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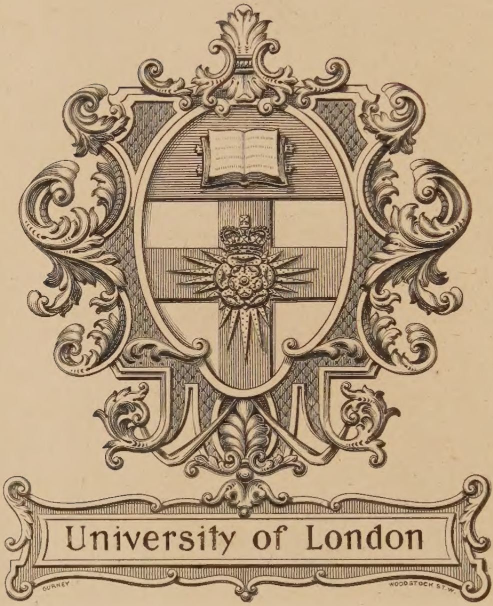

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COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

50° VICTORIÆ, 1887.

VOL. CCCXV.

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THE SIXTEENTH DAY OF MAY 1887.

TO

THE THIRTEENTH DAY OF JUNE, 1887.

SIXTH VOLUME OF THE SESSION.

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SUPPLY—REPORT [ADJOURNED DEBATE]—

Order read, for resuming Adjourned Debate on Question [17th May], "That this House doth agree with the Committee in the said Resolution:"—

(2.) "That a further sum, not exceeding £3,830,300, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments for the year ending on the 31st day of March 1888"

Question again proposed:—Debate *resumed* 611

After short debate, *Moved*, "That the Question be now put,"—(*Mr. W. H. Smith*:)—Question put:—The House *divided;* Ayes 246, Noes 95; Majority 151.—(Div. List, No. 164.)

Question put, "That this House doth agree with the Committee in the said Resolution:"—The House *divided;* Ayes 245, Noes 79; Majority 166.—(Div. List, No. 165.)

East India Stock Conversion Bill [Bill 267]—

Order for Consideration, as amended, read 623

Moved, "That the Bill be re-committed,"—(*Mr. Chance*:)—After short debate, Question put, and *agreed to*:—Bill *re-committed; considered* in Committee 624

After short time spent therein, Bill *reported;* as amended, to be considered *To-morrow.*

Municipal Corporations Acts (Ireland) Amendment (No. 2) Bill [Bill 176]—

Bill *considered* in Committee [*Progress 12th May*] 627

Moved, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Sexton*:)—After short debate, Question put, and *agreed to*:—Committee report Progress; to sit again *To-morrow.* [3.0.]

LORDS, FRIDAY, MAY 20.

EGYPT—DURATION OF THE ENGLISH OCCUPATION—MISSION OF SIR H. DRUMMOND WOLFF—Observations, The Prime Minister and Secretary of State for Foreign Affairs (The Marquess of Salisbury), The Earl of Carnarvon 633

Central Asia (Afghanistan)—The Anglo-Russian Delimitation Commission — Question, The Earl of Harrowby; Answer, The Prime Minister and Secretary of State for Foreign Affairs (The Marquess of Salisbury) 634

Lunacy Districts (Scotland) Bill (No. 82)—

Moved, "That the Bill be now read 2ª,"—(*The Marquess of Lothian*) .. 634

Motion *agreed to*:—Bill read 2ª accordingly.

Pluralities Act Amendment Act (1885) Amendment Bill—

Moved, "That the Bill be now read 2ª,"—(*The Lord Bishop of Bangor*) .. 636

Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day six months,")—(*The Earl of Powis.*)

After short debate, On Question, That ("now") stand part of the Motion?—*Resolved* in the *negative*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

Scotland—Hillhead and Kelvinside (Annexation to Glasgow) Bill—The Botanic Gardens and the University—Observations, Question, The Earl of Stair; Reply, The Secretary for Scotland (The Marquess of Lothian:)—Short debate thereon 637

Colonial Service (Pensions) Bill (No. 98)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Onslow*) .. 642

After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* the 14*th of June* next.

Literature, Science, and Art—The National Portrait Gallery—Observations, Lord Lamington; Reply, Lord Henniker: — Short debate thereon 643

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Business of the House—

Standing Order No. XXXV. to be considered *To-morrow* in order to its being dispensed with for the remainder of that day's Sitting. [6.30.]

COMMONS, FRIDAY, MAY 20.

PRIVATE BUSINESS.

Midland Great Western Railway of Ireland Bill (*by Order*)—

Moved, "That the Bill be now read the third time,"—(*Mr. Dodds*) .. 647

After short debate, Question put, and *agreed to*:—Bill read the third time, and *passed*.

Belfast Main Drainage Bill (*by Order*)—Lords Amendments [Adjourned Debate]—

Order read, for resuming Adjourned Debate on Question [28th April], "That the Lords Amendments be now taken into consideration:"—Question again proposed:—Debate *resumed* 651

After short debate, Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "on Monday 20th June,"—(*Mr. Conway.*)

Question proposed, "That the word 'now' stand part of the Question:" —After further debate, Question put, and *negatived*.

Question, "That the words 'on Monday 20th June,' be there added," put, and *agreed to*:—Main Question, as amended, put, and *agreed to*.

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Great Eastern Railway (*re-committed*) *Bill* (*by Order*)—
Bill, as amended, *considered* 675
After debate, Bill to be read the third time.

QUESTIONS.

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METROPOLITAN POLICE—DUTIES OF THE POLICE SERVING IN THIS HOUSE—Question, Mr. O'Hanlon; Answer, The Under Secretary of State for the Home Department (Mr. Stuart-Wortley) 717

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DOMINION OF CANADA — CANADIAN PACIFIC RAILWAY — Question, Lord Claud Hamilton; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 730

ORDERS OF THE DAY.

Criminal Law Amendment (Ireland) Bill [Bill 217]—
Bill *considered* in Committee [*Progress* 19*th May*] [ELEVENTH NIGHT] .. 731
After long time spent therein, Committee report Progress; to sit again upon *Monday* next.

Duke of Connaught's Leave Bill [Bill 228]—
Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Sir John Gorst*) 788
After short debate, Question put, and *agreed to*:—Bill *considered* in Committee 788
Bill *reported*, without Amendment.
Moved, "That the Bill be now read the third time,"—(*Sir John Gorst*) .. 789
Question put, and *agreed to*:—Bill read the third time, and *passed.*

East India Stock Conversion Bill [Bill 267]—
Bill, as amended, *considered* 789
Moved, "That the Bill be now read the third time,"—(*Sir John Gorst*:)—After short debate, Question put, and *agreed to*:—Bill read the third time, and *passed.*

Public Parks and Works (Metropolis) Bill [Bill 136]—
Moved, "That the Bill be now read a second time,"—(*Mr. Plunket*) .. 790
After short debate, Question put, and *agreed to*:—Bill read a second time, and *committed* to a Select Committee of Seven Members, Four to be nominated by the House and Three by the Committee of Selection.

First Offenders (*re-committed*) **Bill** [Bill 189]—
Bill *considered* in Committee [*Progress* 10*th May*] 803
After short time spent therein, Bill *reported*; as amended, to be considered upon *Monday* next.

Municipal Corporations Acts (Ireland) Amendment (No. 2) Bill [Bill 176]—
Bill *considered* in Committee [*Progress* 19*th May*] 805
After short time spent therein, Bill *reported.*
Moved, "That the Bill be taken into Consideration, as amended, on Monday, 6th June,—(*Sir James Corry*) 814
Amendment proposed, to leave out the words "6th June," and add the word "next,"—(*Mr. Sexton.*)
Question proposed, "That the words '6th June' stand part of the Question:"—After short debate, Question put, and *negatived*:—Question, "That the word 'next' be there added," put, and *agreed to.*
Main Question, as amended, put:—Bill, as amended, to be taken into Consideration upon *Monday* next.

Deeds of Arrangement Registration Bill [Bill 231]—
Bill *considered* in Committee [*Progress* 13*th May*] 815
After short time spent therein, Committee report Progress; to sit again upon *Monday* next.

MOTIONS.

Local Government Provisional Orders (No. 4) Bill—*Ordered* (*Mr. Long, Mr. Ritchie*); *presented*, and read the first time [Bill 269] 818

Conveyancing (Scotland) Acts Amendment Bill—*Ordered* (*The Lord Advocate, Mr. Solicitor General for Scotland*); *presented*, and read the first time [Bill 270] .. 818

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Butter Substitutes Bill (Select Committee)—

Ordered, That it be an Instruction to the Select Committee on the Butter Substitutes Bill, that they have power to consolidate the Butter Substitutes Bill and the Oleomargarine (Fraudulent Sale) Bill into one Bill,—(*Mr. Sclater-Booth.*)

Forestry—

Select Committee *nominated* ;—List of the Committee 818

[2.25.]

LORDS, SATURDAY, MAY 21.

Business of the House—

Standing Order No. XXXV. *considered,* and *dispensed with* for the remainder of this day's sitting.

Duke of Connaught's Leave Bill—

East India Stock Conversion Bill—

Read 1ª: Then Standing Order No. XXXV. having been dispensed with for the remainder of this day's sitting, *moved* that the Bills be now read 2ª; *agreed to;* Bills read 2ª accordingly: Committee *negatived;* Bills read 3ª, and *passed.*

[4.15.]

COMMONS, SUNDAY, MAY 22.

This being the day on which the House had Resolved, in Celebration of the Fiftieth Year of Her Majesty's Reign, to attend Divine Service at the Church of St. Margaret, Westminster, Mr. Speaker and the Members assembled in the House, and proceeded thence to the Church, when a Sermon was preached before the House by the Lord Bishop of Ripon.

LORDS, MONDAY, MAY 23.

Egypt—The Rumoured Anglo-Turkish Convention—Question, The Earl of Rosebery; Answer, The Prime Minister and Secretary of State for Foreign Affairs (The Marquess of Salisbury) 820

Hyde Park Corner (New Streets) Bill (No. 79)—

House in Committee (according to Order) 820

Moved, "To disagree to the Amendments proposed by the Select Committee on the Bill,"—(*The Lord Henniker* :)—Motion *agreed to;* Amendments *negatived;* Bill *reported* without Amendment, and to be read 3ª on *Thursday* the *9th of June* next.

Tithe Rent-Charge Bill (No. 54)—

Moved, "That the House do now resolve itself into Committee upon the said Bill,"—(*The Marquess of Salisbury*) 823

After debate, Motion *agreed to;* House in Committee accordingly.

Amendments made; the Report thereof to be received on *Friday* the *10th of June* next; and Bill to be *printed,* as amended. (No. 110.)

Africa (South)—Affairs of Swaziland—Question, Observations, Viscount Midleton; Reply, The Under Secretary of State for the Colonies (The Earl of Onslow) 852

Allotments for Cottagers Bill [H.L.]—*Presented* (*The Earl of Jersey*); read 1ª (No. 109) 853

Private and Provisional Order Confirmation Bills—

Ordered, That Standing Orders Nos. 92. and 93. be suspended; and that the time for depositing petitions praying to be heard against Private and Provisional Order Confirmation Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the recess.

[9.0.]

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ARMY AND NAVY ESTIMATES—THE COMMITTEE—Question, Mr. Mason; Answer, The First Lord of the Treasury (Mr. W. H. Smith) .. 903

LAW AND JUSTICE (IRELAND) — THE IMPRISONMENT OF FATHER KELLER — Questions, Mr. Dillon, Mr. Chance; Answers, The Attorney General for Ireland (Mr. Holmes), The Chief Secretary for Ireland (Mr. A. J. Balfour) 903

ARMY (AUXILIARY FORCES)—THE IRISH MILITIA—Question, Lord Claud Hamilton; Answer, The Secretary of State for War (Mr. E. Stanhope) 905

THE NEW RULES OF PROCEDURE, 1886—THE CLOSURE—Questions, Mr. T. M. Healy; Answers, Mr. Speaker, The First Lord of the Treasury (Mr. W. H. Smith) 906

MOTIONS.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—

Moved, "That a Select Committee be appointed to consider what means shall be adopted for the attendance of this House at the Jubilee Thanksgiving Service in Westminster Abbey on the 21st day of June; and that Mr. William Henry Smith, Mr. Childers, Mr. David Plunket, Mr. Shaw Lefevre, Viscount Lewisham, Mr. Marjoribanks, Mr. Cavendish Bentinck, Sir Frederick Mappin, and Mr. Craig Sellar be Members of the said Committee; Five to be the quorum,"—(*Mr. W. H. Smith*) .. 906

After short debate, Motion *agreed to.*

JUBILEE SERVICE IN ST. MARGARET'S CHURCH—

Moved, "That the Thanks of this House be given to the Right Reverend William Boyd Carpenter, D.D. Lord Bishop of Ripon, for the Sermon preached by him on Sunday before this House, at St. Margaret's, Westminster, and that he be desired to print the same; and, that Mr. William Henry Smith and Mr. Secretary Matthews do acquaint him therewith,"—(*Mr. W. H. Smith*) 907

Motion ***agreed to.***

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ORDERS OF THE DAY.

Criminal Law Amendment (Ireland) Bill [Bill 217]—
Bill *considered* in Committee [*Progress* 20*th May*] [Twelfth Night] .. 907
After long time spent therein, Committee report Progress; to sit again upon *Tuesday* 7th June.

Trusts (Scotland) Act (1867) Amendment Bill [Bill 225]—
Order for Committee read:—*Moved,* "That the Committee be deferred till Monday 6th June" 1025
After short debate, Question put, and *agreed to*:—Committee *deferred* till *Monday* 6th June.

Municipal Corporations Acts (Ireland) Amendment (No. 2) Bill [Bill 176]—
Moved, "That the Bill, as amended, be now considered,"—(*Sir James Corry*) 1026
Consideration, as amended, *deferred* till *Monday* 6th June.

MOTIONS.

Municipal Regulation (Constabulary, &c.) (Belfast) Bill—
Moved, "That leave be given to bring in a Bill to amend the Acts relating to the Royal Irish Constabulary, and to make provision for the appointment of a Watch Committee in Belfast, and for other purposes in relation thereto,"—(*Colonel King-Harman*) 1026
After short debate, Motion *postponed* till *Monday* 6th June.

Adjournment of the House—
Moved, "That this House do now adjourn,"—(*Mr. W. H. Smith*:)—Question put, and *agreed to.* [5.20. a.m.]

COMMONS, TUESDAY, MAY 24.

Private Bills—
Ordered, That Standing Orders 39 and 129 be suspended, and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, and for depositing duplicates of any Documents relating to any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Monday 6th June,—(*The Chairman of Ways and Means.*)

QUESTIONS.

The Magistracy (England and Wales)—Nonconformist Magistrates in Flintshire—Question, Mr. Samuel Smith; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1027
Burmah — Licensing and Regulation of Immorality — Question, Mr. Atkinson; Answer, The Under Secretary of State for India (Sir John Gorst) 1028
High Court of Justice—Appeals in the House of Lords—Question, Mr. Bradlaugh; Answer, The Attorney General (Sir Richard Webster) 1028
Burmah (Upper)—The Ruby Mines—Questions, Mr. Bradlaugh; Answers, The Under Secretary of State for India (Sir John Gorst) .. 1028
Emigration (Ireland) — Refusal of the Authorities at New York to allow Emigrants to Land—Question, Mr. T. P. O'Connor; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1030

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IRELAND—THE EXECUTIVE AND MR. PATRICK EGAN—Question, Mr. T. P. O'Connor; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1030

MOTIONS.

Local Government (Ireland) Provisional Order (Killiney and Ballybrack) Bill—*Ordered* (*Colonel King-Harman, Mr. Balfour*); *presented*, and read the first time [Bill 275] 1030

ADJOURNMENT OF THE HOUSE—

Moved, "That this House, at its rising, do adjourn till Monday the 6th day of June next,"—(*Mr. W. H. Smith*) 1031

AGRICULTURAL LABOURERS (SCOTLAND)—Observations, Dr. Clark, Mr. Anderson 1031

PRISONS (ENGLAND AND WALES)—CONTRACT FOR MAT-MAKING—Observations, Mr. Quilter 1036

SCOTLAND—ACTION OF THE CROFTER COMMISSION — Observations, Mr. Wallace; Reply, The Solicitor General for Scotland (Mr. J. P. B. Robertson:)—Short debate thereon 1037

THE MAGISTRACY (ENGLAND AND WALES)—NONCONFORMIST MAGISTRATES IN FLINTSHIRE — Observations, Mr. Samuel Smith, Mr. Osborne Morgan 1045

LAW AND JUSTICE (IRELAND)—THE BARBAVILLA PRISONERS—Observations, Mr. Tuite; Reply, The Under Secretary of State for the Home Department (Mr. Stuart-Wortley) 1048

VACCINATION ACTS — ACTION OF THE COMPULSORY LAW OF VACCINATION — Observations, Mr. Picton; Reply, The President of the Local Government Board (Mr. Ritchie:)—Short debate thereon .. 1051

HIGH COURT OF JUSTICE (IRELAND)—THE COURT OF APPEAL—THE LORD CHANCELLOR OF IRELAND—Observations, Mr. T. M. Healy; Reply, The Attorney General for Ireland (Mr. Holmes) 1055

PARLIAMENT—BUSINESS OF THE HOUSE — UNSATISFACTORY STATE OF PUBLIC BUSINESS—Observations, Mr. E. Robertson:—Short debate thereon 1061

Question put, and *agreed to*. [6.15.]

COMMONS, MONDAY, JUNE 6.

QUESTIONS.

SECRETARY FOR SCOTLAND—LEGISLATION—Question, Mr. Munro-Ferguson; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) .. 1070

PUBLIC WORKS (IRELAND) — THE GOVERNMENT SUBVENTION OF £50,000—ARTERIAL DRAINAGE (THE BARROW VALLEY AND THE BANN)—Question, Mr. Arthur O'Connor; Answer, The Chancellor of the Exchequer (Mr. Goschen) 1071

WAR OFFICE—THE ROYAL ENGINEERS—TRANSFERENCE OF LIEUTENANT GORDON OF THE ROYAL MARINE ARTILLERY—Questions, Sir Henry Tyler; Answers, The Secretary of State for War (Mr. E. Stanhope) .. 1071

CEYLON—CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—LEGISLATIVE COUNCIL—PROPOSED REFORM OF CONSTITUTION—Question, Sir Roper Lethbridge; Answer, The Secretary of State for the Colonies (Sir Henry Holland) 1072

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BURMAH (UPPER)—THE RUBY MINES—Questions, Mr. Bradlaugh; Answers, The Under Secretary of State for India (Sir John Gorst), The First Lord of the Treasury (Mr. W. H. Smith) 1073

WAR OFFICE (ORDNANCE DEPARTMENT)—DEFECTIVE WEAPONS—THE TESTS —Correction of Answer, The Secretary of State for War (Mr. E. Stanhope); Question, Mr. Hanbury; Answer, Mr. E. Stanhope .. 1075

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY) — Question, Mr. Gourley; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1075

THEATRES — PROTECTION OF LIFE FROM FIRE — BURNING OF THE OPERA COMIQUE, PARIS—Question, Mr. Dixon-Hartland; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1076

COAL MINES—THE UDSTON COLLIERY ACCIDENT — Questions, Mr. Arthur O'Connor, Mr. Tomlinson; Answers, The Secretary of State for the Home Department (Mr. Matthews) 1077

ORDERS OF THE DAY.

SUPPLY—*considered* in Committee—REVENUE DEPARTMENTS—

(In the Committee.)

POST OFFICE.

(1.) Motion made, and Question proposed, "That a sum, not exceeding £4,820,770, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Post Office Services, the Expenses of Post Office Savings Banks, and Government Annuities and Insurances, and the Collection of the Post Office Revenue" 1079

After long debate, *Moved*, "That a sum, not exceeding £4,820,670, be granted for the said Services,"—(*Mr. Pickersgill*:)—After further short debate, Question put:— The Committee *divided*; Ayes 31, Noes 111; Majority 80.—(Div. List, No. 185.) [9.55. P.M.]

Original Question again proposed 1159

After short debate, Original Question put, and *agreed to.*

(2.) £509,341, to complete the sum for the Post Office Packet Service.—After short debate, Vote *agreed to* 1161

(3.) Motion made, and Question proposed, "That a sum, not exceeding £1,500,248, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Working Expenses of the Post Office Telegraph Service" 1163

After short debate, *Moved*, "That a sum, not exceeding £1,475,248, be granted for the said Service,"—(*Dr. Cameron*:)—Question put:—The Committee *divided*; Ayes 60, Noes 132; Majority 72.—(Div. List, No. 186.) [10.45. P.M.]

Original Question again proposed 1170

After short debate, Original Question put, and *agreed to.*

Moved, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Jackson*:)—Motion *agreed to.*

Resolutions to be reported *To-morrow*; Committee to sit again upon *Wednesday*.

Customs and Inland Revenue Bill [Bill 241]—

Moved, "That the Bill be now read a second time,"—(*Mr. Chancellor of the Exchequer*) 1184

After debate, Question put, and *agreed to*:—Bill read a second time, and *committed* for *Thursday*.

Trusts (Scotland) Act (1867) Amendment Bill [Bill 225]—

Bill *considered* in Committee 1203

After short time spent therein, Bill *reported*; as amended, to be considered upon *Thursday*.

Corn Sales Bill [Bill 91]—

Moved, "That the Order for the Second Reading be discharged,"—(*Mr. Rankin*) 1204

Motion *agreed to*:—Order *discharged*:—Bill *withdrawn.*

MOTIONS.

Army and Navy Estimates—Nomination of Select Committee—

Moved, "That the Select Committee do consist of Nineteen Members,"—(*Mr. W. H. Smith*) 1204

Amendment proposed, to leave out the word "Nineteen," in order to insert the words "Twenty-five,"—(*Mr. Mason.*)

Question proposed, "That the word 'Nineteen' stand part of the Question:"—After short debate, Question put:—The House *divided;* Ayes 120, Noes 31; Majority 89.—(Div. List, No. 187.)

Main Question put, and *agreed to.*

Lord George Hamilton, Lord Randolph Churchill, Mr. Edward Stanhope, Mr. Childers, Mr. Shaw Lefevre, Mr. Henry H. Fowler, Mr. Jackson, Mr. Caine, and Sir William Crossman, *nominated* Members of the Committee.

Question proposed, "That Mr. Jennings be a Member of the Committee:"—After short debate, Question put, and *agreed to.*

Question, "That Mr. A. Gathorne-Hardy, Mr. James Campbell, Captain Cotton, Admiral Mayne, Dr. Cameron, and Sir William Plowden be Members of the Committee," put, and *agreed to.*

Question proposed, "That Mr. Picton be a Member of the Committee:"—Question put, and *agreed to.*

Question, "That Colonel Nolan and Mr. Sexton be Members of the Committee," put, and *agreed to.*

Question proposed, "That the Committee have power to send for persons, papers, and records; Five to be the quorum:"—After short debate, Question put, and *agreed to.*

Pier and Harbour Provisional Orders (No. 2) Bill—*Ordered* (*Baron Henry De Worms, Mr. Jackson*); *presented,* and read the first time [Bill 276] 1215

Metropolis (Cable Street, Shadwell) Provisional Order Bill—*Ordered* (*Mr. Stuart-Wortley, Mr. Secretary Matthews*); *presented,* and read the first time [Bill 277] 1215

Metropolis (Shelton Street, St. Giles's) Provisional Order Bill—*Ordered* (*Mr. Stuart-Wortley, Mr. Secretary Matthews*); *presented,* and read the first time [Bill 278] 1215

[1.50.]

COMMONS, TUESDAY, JUNE 7.

NOTICE OF MOTION.

Business of the House—Notice of Motion, Mr. Stanley Leighton .. 1216

QUESTIONS.

Celebration of the Jubilee Year of Her Majesty's Reign—The Royal Irish Constabulary—Circular of the Inspector General—Questions, Mr. Conybeare; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1216

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Trinidad—The Pitch Lake—Question, Mr. Baden-Powell; Answer, The Secretary of State for the Colonies (Sir Henry Holland) .. 1217
United States—Emigration of Pauper Families from Ireland—Questions, Mr. T. M. Healy; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1218
National Education (Ireland)—Classification of Teachers—Question, Mr. Dillon; Answer, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1218
Poor Relief (Ireland) Inquiry Commission—The Report—Question, Mr. Dillon; Answer, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1219
Egypt—The Soudan—The Arabs of Suakin—Question, Mr. Dillon; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1219
Employers' Liability Act—Renewal and Amendment—Question, Mr. Bradlaugh; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1220
Excise—Adulteration of Beer—Questions, Mr. Bonsor, Mr. Quilter; Answers, The Chancellor of the Exchequer (Mr. Goschen) .. 1220
Proclaimed Meetings (Ireland)—Protestant Home Rule Association, Kilkeel—Questions, Mr. M'Cartan; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1221
War Office—Army Contracts—Contract for Sword Bayonets—Question, Mr. Hanbury; Answer, The Secretary of State for War (Mr. E. Stanhope) 1223
Post Office (Ireland)—Telegraph Line to Charlestown—Question, Mr. Dillon; Answer, The Postmaster General (Mr. Raikes) .. 1223
Parliament—Remuneration of Witnesses attending Parliamentary Committees—Question, Mr. Lawson; Answer, The Parliamentary Secretary to the Treasury (Mr. Akers-Douglas) 1224
The Parks (Metropolis)—Enclosures in Regent's Park—Question, Mr. Lawson; Answer, The First Commissioner of Works (Mr. Plunket) .. 1224
War Office—The Chesil Beach (Portland)—Removal of Wrecks—Question, Colonel Hambro; Answer, The Secretary of State for War (Mr. E. Stanhope) 1225
India—The Pisheen Valley Railroad—Question, Mr. Munro-Ferguson; Answer, The Under Secretary of State for India (Sir John Gorst) .. 1225
Law and Justice (Ireland)—Court of Queen's Bench—Change of Venue—Questions, Mr. Maurice Healy; Answers, The Attorney General for Ireland (Mr. Holmes) 1225
University of Glasgow—Appointment to the Professorship of Scots Law—Question, Mr. Caldwell; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) 1226
War Office (Ordnance Department)—Defective Weapons—Sword Bayonets of the City of London Artillery Volunteers—Question, Mr. Hanbury; Answer, The Secretary of State for War (Mr. E. Stanhope) 1226
Education Department—Drawing in Elementary Schools—Question, Mr. Conway; Answer, The Vice President of the Council (Sir William Hart Dyke) 1227
Evictions (Ireland)—Evictions in Co. Mayo—Questions, Mr. Dillon; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) .. 1228
Royal Parks and Pleasure Gardens—Kew Gardens—Partial Closure on Whit Monday—Question, Mr. Pickersgill; Answer, The First Commissioner of Works (Mr. Plunket) 1229
Metropolitan Police—Sergeant Murphy—Question, Mr. Conybeare; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1229

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PUBLIC BUSINESS—LEGISLATION OF THE SESSION—Questions, Mr. E. Robertson, Sir George Campbell, Mr. Burt; Answers, The First Lord of the Treasury (Mr. W. H. Smith) 1230

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—ACCIDENT TO A WORKMAN—Question, Mr. Conybeare; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1231

EGYPT—THE ANGLO-TURKISH CONVENTION—FRANCE AND THE NEW HEBRIDES—THE PAPERS—Question, Mr. John Morley; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1232

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—ACCOMMODATION FOR SERVANTS OF THIS HOUSE—Question, Mr. Bradlaugh; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1232

THE SELECT COMMITTEE ON MARKET TOLLS—NOMINATION OF THE COMMITTEE—Question, Mr. T. M. Healy; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1232

POST OFFICE—EAST INDIA AND CHINA MAIL CONTRACT—Questions, Mr. Provand, Dr. Clark; Answers, The First Lord of the Treasury (Mr. W. H. Smith) 1232

ORDER OF THE DAY.

Criminal Law Amendment (Ireland) Bill [Bill 217]—

Bill *considered* in Committee [*Progress 23rd May*] [THIRTEENTH NIGHT] .. 1233

After long time spent therein, Committee report Progress; to sit again *To-morrow.*

MOTION.

EAST INDIA AND CHINA MAIL CONTRACT—RESOLUTION—

Moved, "That the Contract dated the 18th day of March 1887, for the conveyance of the East India and China Mails, be approved,"—(*Mr. Jackson*) 1334

Moved, "That the Debate be now adjourned,"—(*Dr. Clark*:)—Question put, and *agreed to*:—Debate *adjourned* till *Thursday.*

ORDERS OF THE DAY.

First Offenders Bill [Bill 189]—

Moved, "That the Bill, as amended, be now considered,"—(*Mr. Howard Vincent*:)—Question put, and *agreed to* 1334

After short debate, *Moved*, "That the Bill be now read the third time,"—(*Mr. Howard Vincent*:)—*Moved*, "That the Debate be now adjourned,"—(*Mr. Radcliffe Cooke*:)—Question put, and *agreed to*:—Debate *adjourned* till *Thursday.*

Deeds of Arrangement Registration Bill [Bill 231]—

Bill *considered* in Committee [*Progress 20th May*] 1340

After short time spent therein, Bill *reported*; as amended, to be considered upon *Monday* next, and to be *printed.* [Bill 283.]

MOTIONS.

Oyster and Mussel Fisheries Provisional Order Bill—*Ordered* (*Baron Henry De Worms, Mr. Jackson*); *presented*, and read the first time [Bill 279] 1344

Local Government Provisional Orders (No. 5) Bill—*Ordered* (*Mr. Long, Mr. Ritchie*); *presented*, and read the first time [Bill 280] 1345

Local Government Provisional Orders (No. 6) Bill—*Ordered* (*Mr. Long, Mr. Ritchie*); *presented*, and read the first time [Bill 281] 1345

Local Government Provisional Orders (No. 7) Bill—*Ordered* (*Mr. Long, Mr. Ritchie*); *presented*, and read the first time [Bill 282] 1345

Law Agents (Scotland) Act (1873) Amendment Bill—*Ordered* (*Mr. J. B. Balfour, Sir Lyon Playfair, Dr. Cameron, Mr. Haldane, Mr. Edmund Robertson*); *presented*, and read the first time [Bill 284] 1345

Intermediate Education (Wales) (No. 2) Bill—*Ordered* (*Mr. Mundella, Mr. Osborne Morgan, Mr. Richard, Sir Hussey Vivian, Mr. Rathbone, Mr. Stuart Rendel, Mr. William Abraham*); *presented*, and read the first time [Bill 285] 1345

[2.45.]

COMMONS, WEDNESDAY, JUNE 8.

PRIVATE BUSINESS.

—o—

Manchester Ship Canal Bill—

Moved, "That the Standing Orders be suspended, and that leave be given to bring in a Bill to enable the Manchester Ship Canal Company to raise a portion of their capital by means of preference shares, and that Mr. Houldsworth, Mr. Jacob Bright, Sir James Fergusson, Sir Henry Roscoe, the Honourable Alan de Tatton Egerton, Mr. Addison, and Mr. Elliott Lees do prepare and bring it in,"—(*Mr. Houldsworth*) 1346

After short debate, Question put, and *agreed to*.

Moved, "That the Standing Orders be suspended, and that the Bill be now read the first time,"—(*Mr. Houldsworth*:)—Question put, and *agreed to*:—Bill read the first time.

Moved, "That Standing Orders 62, 204, 223, and 235 be suspended, and that the Bill be now read a second time,"—(*Mr. Houldsworth*:)—After short debate, Debate *adjourned* till *Monday* next.

QUESTION.

—o—

Coal Mines — The Colliery Accident at Motherwell — Question, Mr. D. Crawford; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1352

ORDERS OF THE DAY.

—o—

Criminal Law Amendment (Ireland) Bill [Bill 217]—

Bill *considered* in Committee [*Progress 7th June*] [Fourteenth Night] .. 1353

After some time spent therein, it being a quarter of an hour before Six of the clock, the Chairman left the Chair to report Progress; Committee to sit again *To-morrow*.

Employers' Liability Act (1880) Amendment Bill [Bill 38]—

Order for Second Reading read 1414

After short debate, Second Reading *deferred* till *Thursday* 23rd June.

MOTION.

Local Government Provisional Orders (No. 8) Bill—*Ordered* (*Mr. Long, Mr. Ritchie*); *presented,* and read the first time [Bill 286] 1415

[5.59.]

LORDS, THURSDAY, JUNE 9.

Smoke Nuisance Abatement (Metropolis) Bill (No. 43)—

Order of the Day for the House to be put into a Committee read .. 1416

After short debate, Order *discharged;* House to be in Committee on *Monday* next. [4.45.]

COMMONS, THURSDAY, JUNE 9.

QUESTIONS.

North American Fisheries—Canada and the United States—The Fishery Disputes—A New Commission—Questions, Mr. Gourley; Answers, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1417

Evictions (Ireland)—Misconduct of an "Emergency Man"—Questions, Mr. Hooper; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1417

Irish Land Commission — Glebe Land Purchasers — Questions, Mr. Dillon; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1418

Royal Parks and Pleasure Gardens — Greenwich Park — Questions, Mr. Bradlaugh; Answers, The First Commissioner of Works (Mr. Plunket) 1419

Harbour Loans—Memorandum of Board of Trade, 1886—Questions, Mr. R. W. Duff; Answers, The Secretary to the Treasury (Mr. Jackson) 1420

Ceylon—Dock Accommodation at Colombo—Question, Sir Roper Lethbridge; Answer, The Secretary of State for the Colonies (Sir Henry Holland) 1420

Poor Relief (Ireland) Inquiry Commission, 1887—Compound Rating of Occupiers—Questions, Mr. J. E. Ellis, Mr. Conybeare, Mr. Edward Harrington; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman), The Attorney General for Ireland (Mr. Holmes) 1421

Evictions (Ireland)—Evictions at Bodyke—Question, Mr. Conybeare; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1423

North Sea Fisheries Convention, 1882 — The East Coast Drift Net Fisheries — Question, Sir Edward Birkbeck; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) .. 1424

Public Works (Ireland)—The Government Subvention of £50,000—Arterial Drainage (The Barrow Valley and the Bann)—Questions, Mr. Arthur O'Connor, Mr. T. M. Healy, Mr. P. M'Donald; Answers, The Chancellor of the Exchequer (Mr. Goschen) 1425

Egypt—The Soudan Campaign, 1885 — The Khedive's Bronze Star — Question, Colonel Bridgeman; Answer, The Secretary of State for War (Mr. E. Stanhope) 1427

The Magistracy (England and Wales)—Lords Lieutenant of Counties —Question, Mr. J. Roberts; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1427

The Paris Exhibition, 1889—Question, Mr. Labouchere; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) .. 1428

War Office—The Royal Engineers—Transfer of Lieutenant Gordon of the Royal Marine Artillery — Question, Sir Henry Tyler; Answer, The Secretary of State for War (Mr. E. Stanhope) .. 1428

Celebration of the Jubilee Year of Her Majesty's Reign—London School Children in Hyde Park—Question, Sir Richard Temple; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1429

Celebration of the Jubilee Year of Her Majesty's Reign—The Royal Irish Constabulary—Circular of the Inspector General—Questions, Mr. Conybeare, Mr. T. M. Healy; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1429

War Office (Ordnance Department)—The 43-ton Gun—Question, Major Rasch; Answer, The Surveyor General of Ordnance (Mr. Northcote) .. 1432

War Office—Army Medical Department—Surgeon Major Sandford Moore—Question, Dr. Tindal Robertson; Answer, The Secretary of State for War (Mr. E. Stanhope) 1432

War Office—Celebration of the Jubilee Year of Her Majesty's Reign—Extra Queen's Cadetships—Question, Dr. Tindal Robertson; Answer, The Secretary of State for War (Mr. E. Stanhope) .. 1433

Deer Forests (Scotland)—Garbat Ben Wyvis—Question, Dr. R. Macdonald; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) .. 1433

United States—Emigration of Highland Crofters—Question, Dr. R. Macdonald; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1434

Celebration of the Jubilee Year of Her Majesty's Reign—Post Office—The Officials—Question, Mr. Atkinson; Answer, The Postmaster General (Mr. Raikes) 1434

Imperial Defences—King George's Sound—The Colonial Conference—Question, Mr. Baden-Powell; Answer, The Secretary of State for War (Mr. E. Stanhope) 1435

Coal Mines Regulation—Colliery Accident in Lanarkshire—Question, Mr. Mason; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1436

Jubilee Thanksgiving Service (Westminster Abbey) — Accommodation for Members of this House—Question, Mr. Gourley; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1436

Business of the House — Coal Mines, &c. Regulation Bill — Question, Mr. Mason; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1437

Evictions (Ireland) — Evictions at Bodyke, Co. Clare—Alleged Misconduct of the Constabulary — Questions, Mr. Conybeare, Mr. Dillon; Answers, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1438

Crime and Outrage (Ireland) — The Return for April and May—Question, Mr. John Morley; Answer, The Chief Secretary for Ireland (Mr. A. J. Balfour) 1439

Coal Mines Regulation—The Udston Colliery Accident—Question, Mr. Arthur O'Connor; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1439

Business of the House—Criminal Law Amendment (Ireland) Bill—Notice of Instruction, Mr. W. H. Smith:—Short debate thereon .. 1440

ORDERS OF THE DAY.

Criminal Law Amendment (Ireland) Bill [Bill 217]—
Bill *considered* in Committee [*Progress 8th June*] [Fifteenth Night] .. 1442

Criminal Law Amendment (Ireland) Bill—continued.

After long time spent therein, Committee report Progress.

Moved, "That this House will, To-morrow, again resolve itself into the said Committee,"—(*Mr. A. J. Balfour*) 1553

Amendment proposed, to leave out "To-morrow," and insert "on Monday next,"—(*Mr. T. M. Healy*.)

Question proposed, "That 'To-morrow' stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*:—Committee *To-morrow*.

Municipal Corporations Acts (Ireland) Amendment (No. 2) Bill [Bill 176]—

Bill, as amended, *considered* 1554

After short debate, *Moved*, "That the Bill be now read the third time,"—(*Mr. Sexton*:)—Question put, and *agreed to*:—Bill read the third time, and *passed*.

MOTION.

CRIMINAL LAW AMENDMENT (IRELAND) [EXPENSES]—

Moved, "That this House will, To-morrow, resolve itself into a Committee to consider of authorising the payment, out of moneys to be provided by Parliament, of any allowances that may be made, and Expenses that may be incurred, under the provisions of any Act of the present Session to make better provision for the prevention and punishment of Crime in Ireland, and for other purposes relating thereto" (Queen's *Recommendation* signified),—(*Mr. Jackson*) 1560

After short debate, Question put:—The House *divided*; Ayes 111, Noes 48; Majority 63.—(Div. List, No. 213.) [3.25.]

LORDS, FRIDAY, JUNE 10.

Dog Owners Bill (No. 91)—

Moved, "That the Bill be now read 2ª,"—(*The Lord Mount-Temple*) .. 1562

After short debate, on Question? *Resolved* in the *negative*.

EGYPT—THE ANGLO-TURKISH CONVENTION—THE PAPERS—Observations, Question, The Earl of Carnarvon; Reply, The Prime Minister and Secretary of State for Foreign Affairs (The Marquess of Salisbury); Questions, The Earl of Kimberley; Answers, The Marquess of Salisbury 1564

Tithe Rent-Charge Bill (No. 110)—

Amendments *reported* (according to Order) 1568

After short debate, Bill to be read 3ª on *Thursday* the 30*th instant*; and to be *printed* as amended. (No. 115.)

PALACE OF WESTMINSTER—THE CENTRAL HALL—POSITION OF THE STATUE OF THE LATE EARL OF IDDESLEIGH—Question, Observations, Lord Mount-Temple; Reply, Lord Henniker 1577

[6.30.]

COMMONS, FRIDAY, JUNE 10.

QUESTIONS.

POLLUTION OF RIVERS (SCOTLAND)—DISCHARGE OF SEWAGE, &C. INTO THE RIVER CLYDE—Question, Mr. Bradlaugh; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) 1579

BURMAH (UPPER)—THE RUBY MINES—Question, Mr. Bradlaugh; Answer, The Under Secretary of State for India (Sir John Gorst) .. 1580

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Admiralty—Explosion on Board H.M.S. "Rupert" at Hull—Question, Mr. C. H. Wilson; Answer, The Secretary to the Admiralty (Mr. Forwood) 1581
Metropolitan Police—New Station on the Thames Embankment—Question, Mr. W. L. Bright; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1582
Army (India)—Special Allowances to Two Engineer Officers—Question, Mr. King; Answer, The Under Secretary of State for India (Sir John Gorst) 1582
India—The Public Service Commission—The Uncovenanted Civil Service—Question, Mr. King; Answer, The Under Secretary of State for India (Sir John Gorst) 1582
Crofters Holdings (Scotland) Act, 1886—Loans for Fishing Harbours—Question, Dr. Clark; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) 1584
Irish Land Commission—The Chief Land Commissioners at Longford—Re-Hearing of Appeal—Question, Mr. Hayden; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) .. 1584
Jubilee Thanksgiving Service (Westminster Abbey)—Letting of Seats on Public Ground—Questions, Sir George Campbell, Mr. Arthur O'Connor; Answers, The First Commissioner of Works (Mr. Plunket) 1585
Dispensaries (Ireland)—Oughterard Board of Guardians—Question, Mr. Foley; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1586
Central Africa—Transit Tariff through Portuguese Territory—Question, Mr. Buchanan; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1586
War Office (Auxiliary Forces)—The Volunteers—Assistant Instructors in Signalling—Question, Colonel Eyre; Answer, The Secretary of State for War (Mr. E. Stanhope) 1587
Celebration of the Jubilee Year of Her Majesty's Reign—Increase of Pension to Old Soldiers—Question, Mr. H. S. Wright; Answer, The Secretary of State for War (Mr. E. Stanhope) 1587
The Public Offices—Lower Division Clerks in the Treasury Office—Question, Mr. Arthur O'Connor; Answer, The Secretary to the Treasury (Mr. Jackson) 1588
Civil Service Writers—Sub-Commission of Inquiry—Question, Mr. Arthur O'Connor; Answer, The Secretary to the Treasury (Mr. Jackson) 1588
The Currency—The New Coinage—Question, Mr. W. Beckett; Answer, The Chancellor of the Exchequer (Mr. Goschen) 1589
Metropolitan Police—Superintendents' Divisional Reports for 1886—Question, Mr. Pickersgill; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1589
Fishery Piers and Harbours (Ireland)—Additional Accommodation in the West of Ireland—Questions, Mr. Hooper, Mr. T. M. Healy; Answers, The Chancellor of the Exchequer (Mr. Goschen) .. 1590
Evictions (Ireland)—Alleged Outrage by a Member of the Royal Irish Constabulary—Questions, Mr. Conybeare; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) .. 1591
Royal Irish Constabulary—Promotion of Sergeant Magee (Belfast)—Question, Mr. H. Campbell; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1592
Jubilee Thanksgiving Service (Westminster Abbey)—The British-Indian Volunteers—Question, Sir Richard Temple; Answer, The Under Secretary of State for India (Sir John Gorst) 1592

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY) — THE SEATS OUTSIDE ON PUBLIC GROUND—Question, Mr. Puleston; Answer, The First Commissioner of Works (Mr. Plunket); Questions, Mr. W. Lowther, Mr. T. M. Healy; [No reply] 1592

ROYAL GRANTS—THE SELECT COMMITTEE—Question, Mr. E. Robertson; Answer, The First Lord of the Treasury (Mr. W. H. Smith) .. 1593

PUBLIC BUSINESS—ARRANGEMENT OF BUSINESS—COAL MINES, &c. REGULATION BILL—Questions, Mr. Mason, Mr. F. S. Powell, Mr. Burt; Answers, The First Lord of the Treasury (Mr. W. H. Smith) .. 1593

MOTION.

BUSINESS OF THE HOUSE—PROCEDURE ON THE CRIMINAL LAW AMENDMENT (IRELAND) BILL—RESOLUTION—

Moved, "That, at Ten o'clock p.m. on Friday the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the Whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair. He shall next proceed and successively put forthwith the Questions, That any Clause then under consideration, and each remaining Clause in the Bill, stand part of the Bill, unless Progress be moved as hereinafter provided. After the Clauses are disposed of he shall forthwith report the Bill, as amended, to the House.

"From and after the passing of this Order, no Motion, That the Chairman do leave the Chair, or do report Progress, shall be allowed unless moved by one of the Members in charge of the Bill, and the Question on such Motion shall be put forthwith.

"If Progress be reported on the 17th June, the Chairman shall put this Order in force in any subsequent sitting of the Committee,"—(*Mr. William Henry Smith*) .. 1594

Amendment proposed,

To leave out from the first word "That," to the end of the Question, in order to add the words "inasmuch as the Criminal Law Amendment (Ireland) Bill is designed to deprive the Irish people permanently of their constitutional rights, this House declines to sanction the proposal of Her Majesty's Government, to deprive the Chair, during the discussions in Committee on the said Bill, of the power which, since the opening of these discussions, the Chair has felt called upon repeatedly to exercise, in opposition to Her Majesty's Government, for the protection of freedom of debate in this House, and the maintenance of the rights of minorities,"—(*Mr. Parnell.*)

After short debate, Question proposed, "That the words 'at Ten o'clock p.m.' stand part of the Question:"—After further debate, *Moved*, "That the Question be now put,"—(*Mr. W. H. Smith*:)—Question put:—The House *divided;* Ayes 284, Noes 167; Majority 117.—(Div. List, No. 214.)

Question put, "That the words 'at Ten o'clock p.m.' stand part of the Question:"—The House *divided;* Ayes 301, Noes 181; Majority 120.—(Div. List, No. 215.)

Amendment proposed, to leave out "17th" and insert "24th,"—(*Mr. Chance.*)

Question proposed, "That '17th' stand part of the Question:"—After short debate, Question put:—The House *divided;* Ayes 268, Noes 113; Majority 155.—(Div. List, No. 216.)

Amendment proposed, in line 3, to leave out the word "shall," and insert the words "may, if he thinks fit, having regard to the Rule of Closure of the 18th March, 1887,"—(*Mr. William Redmond.*)

Question proposed, "That the word 'shall' stand part of the Question:"—After short debate, *Moved*, "That the Question be now put,"—(*Mr. W. H. Smith*:)—Question put:—The House *divided;* Ayes 258, Noes 91; Majority 167.—(Div. List, No. 217.) [1.10 A.M.]

Question put, "That the word 'shall' stand part of the Question:"—The House *divided;* Ayes 255, Noes 94; Majority 161.—(Div. List, No. 218.) [1.25 A.M.]

Moved, "That the Main Question be now put,"—(*Mr. W. H. Smith:*)—Question put:—The House *divided;* Ayes 250, Noes 91; Majority 159.—(Div. List, No. 219.) [1.40 A.M.]

Main Question put:—The House *divided;* Ayes 245, Noes 93; Majority 152. [1.55 A.M.]

Division List, Ayes and Noes 1671

Ordered, That, at Ten o'clock p.m. on Friday the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the Whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair. He shall next proceed and successively put forthwith the Questions, That any Clause then under consideration, and each remaining Clause in the Bill, stand part of the Bill, unless Progress be moved as hereinafter provided. After the Clauses are disposed of, he shall forthwith report the Bill, as amended, to the House.

From and after the passing of this Order, no Motion That the Chairman do leave the Chair, or do report Progress, shall be allowed, unless moved by one of the Members in charge of the Bill, and the Question on such Motion shall be put forthwith.

If Progress be reported on the 17th June, the Chairman shall put this Order in force in any subsequent sitting of the Committee.

ORDER OF THE DAY.

Criminal Law Amendment (Ireland) Bill [Bill 217]—

Order for Committee read:—*Moved,* "That this House will, upon Monday next, resolve itself into the Committee on the Bill,"—(*Mr. A. J. Balfour*) 1674

Amendment proposed, to leave out the words "upon Monday next," in order to insert the word "To-morrow,"—(*Mr. T. M. Healy,*)—instead thereof.

Question proposed, "That the words 'upon Monday next' stand part of the Question:"—After short debate, *Moved,* "That the Question be now put,"—(*Mr. W. H. Smith:*)—Question put:—The House *divided;* Ayes 202, Noes 73; Majority 129.—(Div. List, No. 221.) [2.10 A.M.]

Question put, "That this House will, upon Monday next, resolve itself into the said Committee:"—The House *divided;* Ayes 203, Noes 72; Majority 131.—(Div. List, No. 222.) [2.25 A.M.]

MOTION.

ADJOURNMENT OF THE HOUSE—

Moved, "That this House do now adjourn,"—(*Mr. W. H. Smith*) .. 1677

Moved, "That the Question be now put,"—(*Mr. W. H. Smith:*)—Question put:—The House *divided;* Ayes 203, Noes 71; Majority 132.—(Div. List, No. 223.) [2.40 A.M.]

Question put, "That this House do now adjourn:"—The House *divided;* Ayes 203, Noes 71; Majority 132.—(Div. List, No. 224.) [2.55 A.M.]

[3.10.]

LORDS, MONDAY, JUNE 13.

CENTRAL ASIA—AFFAIRS OF AFGHANISTAN—Question, The Earl of Rosebery; Answer, The Secretary of State for India (Viscount Cross) .. 1678

Irish Land Law Bill (No. 106)—

House in Committee (on Re-commitment) according to Order .. 1679

Amendments made; the Report thereof to be received on *Friday* the 1*st of July* next; and Bill to be *printed* as amended. (No. 122.) [8.45.]

COMMONS, MONDAY, JUNE 13.

PRIVATE BUSINESS.

Manchester Ship Canal Bill (by Order)—

Order read, for resuming Adjourned Debate on Question [8th June], "That Standing Orders 62, 204, 223, and 235 be suspended, and that the Bill be now read a second time,"—(*Mr. Houldsworth*:)—Question again proposed:—Debate *resumed* 1706

Amendment proposed,

After the words "Standing Orders," to add the words "204 and 235 be suspended, and that the Bill be referred to the Examiners of Petitions for Private Bills,"—(*Mr. Sclater-Booth.*)

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*:—Amendment made, by leaving out 204 and 223.

Main Question, as amended, put and *agreed to.*

Ordered, That Standing Orders 62 and 235 be suspended:—Bill read a second time, and *committed.*

QUESTIONS.

POOR LAW—PAROCHIAL RELIEF, 1886—STATISTICS—Question, Mr. Hoyle; Answer, The President of the Local Government Board (Mr. Ritchie).. 1719

EVICTIONS (IRELAND)—STATISTICS—Question, Mr. J. E. Ellis; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1720

AGRICULTURAL DEPARTMENT—SCARLATINA—DR. KLEIN'S MILK THEORY—Question, Sir Ughtred Kay-Shuttleworth; Answer, The Chancellor of the Duchy of Lancaster (Lord John Manners) 1720

THE CURRENCY—FRENCH AND ITALIAN COPPER COINS—Question, Mr. Montagu; Answer, The Chancellor of the Exchequer (Mr. Goschen) .. 1721

EDUCATION (SCOTLAND) ACT, 1878—CERTIFICATES OF BIRTHS—Question, Mr. Fraser-Mackintosh; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) 1722

LAW AND JUSTICE (SCOTLAND)—ANGUS MACLAUCHLAN—Question, Mr. Fraser-Mackintosh; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) 1722

ARMY—CADETS OF THE ROYAL MILITARY ACADEMY AT ALDERSHOT—Question, Colonel Hamilton; Answer, The Surveyor General of Ordnance (Mr. Northcote).. 1722

LAW AND JUSTICE (IRELAND)—IMPRISONMENT OF JOHN RYAN, AN EVICTED TENANT—Question, Mr. Henry H. Fowler; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1723

WAR OFFICE (ORDNANCE DEPARTMENT)—EXPERIMENTAL WIRE GUNS—Question, Sir Henry Tyler; Answer, The Surveyor General of Ordnance (Mr. Northcote) 1724

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METROPOLITAN POLICE — SERGEANT MURPHY — Question, Captain Price; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1724
CENTRAL ASIA—TRADE COMMUNICATION WITH THIBET—THE CONVENTION WITH CHINA—Question, Sir John Simon; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1725
POST OFFICE (LONDON)—POSITION OF PORTERS—Question, Mr. P. O'Brien; Answer, The Postmaster General (Mr. Raikes) 1725
RAILWAY AND CANAL TRAFFIC BILL—CARRIAGE OF TOWN REFUSE—Question, Mr. O. V. Morgan; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1726
LIGHTHOUSE ILLUMINANTS—THE TRINITY HOUSE REPORT—Question, Mr. T. W. Russell; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) 1726
THE SUBMARINE TELEGRAPH COMPANY—Question, Mr. Montagu; Answer, The Postmaster General (Mr. Raikes) 1727
THE "BOARD OF TRADE JOURNAL"— ADVERTISEMENTS—Question, Mr. Montagu; Answer, Sir Herbert Maxwell (A Lord of the Treasury) .. 1727
METROPOLITAN POLICE COURTS—THE HAMMERSMITH AND WANDSWORTH DISTRICTS—Question, Mr. O. V. Morgan; Answer, The Secretary of State for the Home Department (Mr. Matthews) 1728
WAR OFFICE (ORDNANCE DEPARTMENT)—INSANITARY STATE OF DOVER BARRACKS (FORT BURGOYNE)—Question, Mr. Preston Bruce; Answer, The Surveyor General of Ordnance (Mr. Northcote) 1729
ROYAL IRISH CONSTABULARY—THE POLICE BARRACKS AT MEENACLADDY, COUNTY DONEGAL—THE MAGISTRACY (IRELAND) — SHERCOCK PETTY SESSIONS—Questions, Mr. O'Hanlon; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) 1729
EVICTIONS (IRELAND) — EVICTIONS AT BODYKE, CO. CLARE — Questions, Mr. Conybeare, Mr. Dillon, Mr. W. Redmond; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) .. 1731
POST OFFICE (SCOTLAND)—THE NORTHERN MAILS—Question, Dr. R. Macdonald; Answer, The Postmaster General (Mr. Raikes) .. 1732
WAR OFFICE—CONTRACTS—Questions, Mr. Watt, Mr. Mundella, Mr. Hanbury; Answers, The Surveyor General of Ordnance (Mr. Northcote).. 1732
POST OFFICE—AN INSURANCE DEPARTMENT—Question, Mr. Watt; Answer, The Postmaster General (Mr. Raikes) 1733
SOUTH AFRICA—SIR CHARLES WARREN'S BECHUANALAND EXPEDITION—Question, Mr. Hanbury; Answer, The Surveyor General of Ordnance (Mr. Northcote) 1734
CENTRAL ASIA—THE ADVANCE OF RUSSIAN RAILWAYS — Question, Mr. Hanbury; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) 1734
WAR OFFICE—REPORT OF THE ORDNANCE INQUIRY COMMISSION—Question, Mr. R. Power; Answer, The Surveyor General of Ordnance (Mr. Northcote) 1735
EVICTIONS (IRELAND) — EVICTIONS AT BODYKE, CO. CLARE — CAPTAIN E. W. D. CROKER—Question, Mr. Arthur O'Connor; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) .. 1735
EVICTIONS (IRELAND)—EVICTIONS ON LORD KENMARE'S ESTATE, KILLARNEY —Questions, Mr. W. A. Macdonald, Mr. Conybeare; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) .. 1735
CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—THE METROPOLITAN POLICE—Questions, Mr. Burdett-Coutts, Mr. Broadhurst; Answers, The Secretary of State for the Home Department (Mr. Matthews) 1737
INDIA—SANITATION—Question, Mr. Kenyon; Answer, The Under Secretary of State for India (Sir John Gorst) 1738

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BOARD OF INLAND REVENUE — REDUCTION OF THE STAFFS OF THE INDOOR AND OUTDOOR DEPARTMENTS—Question, Mr. Macdonald Cameron; Answer, The Chancellor of the Exchequer (Mr. Goschen) .. 1738

POST OFFICE (IRELAND)—CONVEYANCE OF MAILS IN THE NORTH OF IRELAND—Question, Mr. Mac Neill; Answer, The Postmaster General (Mr. Raikes) 1739

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—THE ROYAL PROCESSION—POST OFFICES ALONG THE ROUTE—Question, Mr. Hunter; Answer, The Postmaster General (Mr. Raikes) 1740

EVICTIONS (IRELAND) — EVICTIONS AT BODYKE, CO. CLARE — ALLEGED VIOLENCE TO AN OLD WOMAN—Questions, Mr. Conybeare, Sir Walter B. Barttelot, Mr. Dillon, Mr. M. J. Kenny; Answers, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) .. 1740

ARMY AND NAVY ESTIMATES COMMITTEE — THE COMPOSITION — Question, Mr. Heneage; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1742

FISHERY BOARD (SCOTLAND)—THE REPORT — Question, Mr. Anderson; Answer, The Lord Advocate (Mr. J. H. A. Macdonald) .. 1742

DOMINION OF CANADA—INCREASED DUTIES ON IRON — Question, Mr. W. L. Bright; Answer, The First Lord of the Treasury (Mr. W. H. Smith) 1743

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY) — TICKETS OF ADMISSION TO THE PLATFORM OUTSIDE PARLIAMENT SQUARE — Questions, Mr. W. Lowther, Lord Randolph Churchill, Mr. Dillon; Answers, The First Commissioner of Works (Mr. Plunket), The First Lord of the Treasury (Mr. W. H. Smith) 1744

ORDERS OF THE DAY.

Criminal Law Amendment (Ireland) Bill [Bill 217]—

Bill *considered* in Committee [*Progress 9th June*] [SIXTEENTH NIGHT] .. 1745

After long time spent therein, Committee report Progress; to sit again *To-morrow.*

CRIMINAL LAW AMENDMENT (IRELAND) [EXPENSES]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair" 1839

After short debate, Question put, and *agreed to*:—MATTER *considered* in Committee.

Moved, "That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of any allowances that may be made, and Expenses that may be incurred, under the provisions of any Act of the present Session to make better provision for the prevention and punishment of Crime in Ireland,"—(*Mr. A. J. Balfour*) 1841

After short debate, Question put, and *agreed to*: — Resolution to be reported *To-morrow.*

Places of Worship (Sites) Bill [Bill 5]—

Moved, "That the Bill be now read a second time,"—(*Mr. J. E. Ellis*) .. 1847

Moved, "That the Debate be now adjourned,"—(*Mr. J. G. Talbot*:)—After short debate, Question put:—The House *divided*; Ayes 160, Noes 130; Majority 30. [2.30 A.M.]

Division List, Ayes and Noes 1851

Debate *adjourned* till *Monday* next. [2.45.]

LORDS.

SAT FIRST.

FRIDAY, MAY 20.
The Lord Meredyth, after the death of his father.

MONDAY, MAY 23.
The Lord Kinnaird, after the death of his father.

FRIDAY, JUNE 10.
The Lord Hindlip, after the death of his father.

COMMONS.

NEW MEMBER SWORN.

MONDAY, MAY 23.
County of Cornwall, Mid or St. Austell Division—William Alexander McArthur, esquire.

HANSARD'S
PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Twenty-Fourth Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 5 August, 1886, in the Fiftieth
Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

SIXTH VOLUME OF SESSION 1887.

HOUSE OF LORDS,

Monday, 16*th May*, 1887.

MINUTES.] — Select Committee — Jubilee Service in Westminster Abbey, *appointed.*

Public Bills — *First Reading* — Metropolis Management (Battersea and Westminster) * (101).

Second Reading—Quarries (83); Police Force Enfranchisement (77).

Committee—Irish Land Law (58).

QUARRIES BILL.—(No. 83.)

(*The Lord Sudeley.*)

SECOND READING.

Order of the Day for the Second Reading read.

Lord SUDELEY, in moving that the Bill be now read a second time, said, he wished to explain that the object of the Bill was merely to oblige quarries dangerous to the public in open and unprotected land, or within 50 yards of a highway or public resort, to be securely fenced for the prevention of accidents. He wished further to say that county Coroners had constantly reported a number of fatal accidents arising from this cause, and also that the Bill had passed through the House of Commons.

Moved, "That the Bill be now read 2^{a}."—(*The Lord Sudeley.*)

Lord STANLEY of ALDERLEY said, he rose to oppose the Motion, on account of the looseness of the definitions of a quarry, as an opening in the ground from which stone had been taken. In Wales, where there were walls and no hedges, every farm had a small quarry. The definitions went on to include sand holes and gravel pits, which were not dangerous, and mentioned openings from which clay had been taken—that is to say, ponds. In Cheshire, and parts of the adjoining counties, almost every field had a marl pit, if not two or three of them. These ponds required to be kept open for cattle. Even if they were railed in, that would not keep out children; neither would poles, which, being constantly stolen, so as to leave gaps, be any protection to children, who would get through or under any fence.

Motion *agreed to;* Bill read 2ª.

POLICE FORCE ENFRANCHISEMENT BILL.—(No. 77.)

(*The Earl of Harrowby.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF HARROWBY, in moving that the Bill be now read a second time, said, he believed that the measure would meet with the acceptance of their Lordships. He trusted their Lordships would give it a favourable consideration on the ground that it was one of the very comparatively small company of Bills which had as yet reached them from "another place" that Session. Including Provisional Orders only 21 Bills had yet come up from the other House to their Lordships; whereas, he understood that their Lordships had forwarded 54 to the other House. The present Bill had had the support of three Secretaries of State, and upon its own merits also, it well deserved a second reading. Soldiers, sailors, Revenue officers, and postmen, all now had the right to exercise the franchise, and it was only fair and just that that right should be extended to the Police Force. He, therefore, hoped their Lordships would give the Bill a second reading. The police, as a rule, were respected by all but the evildoers. There was no body of men in this country who were more law-loving and more worthy of the great trust of the franchise, and there was reason to believe that they felt deeply the fact of their being deprived of it. He would conclude by moving the second reading of the Bill.

Moved, "That the Bill be now read 2ª."—(*The Earl of Harrowby.*)

THE EARL OF SELBORNE said, he did not rise to oppose the Bill; but he confessed that he thought it required a very great deal of consideration. The nature of the duties of the police were such as to make it a serious question whether it was consistent with those duties whether they should be admitted to the franchise. He admitted that, as a body, the police would bear a not unfavourable comparison with other classes who now possessed the franchise; but supposing that, at a contested election, there was a disturbance in which the police were called upon to act for the restoration of order, surely, it would be better that that duty should be performed by a body of men taking no part in the election, and quite independent of either Party, than by a body of men who took part in the contest, and were interested on one side or the other. He called attention to the position of soldiers in the Army as being a case analogous to that of the police.

THE EARL OF MILLTOWN said, he wished to point out that the Royal Irish Constabulary were not included in the Bill, although every word which had been said in praise of the Police of Great Britain could be said with greater force in favour of the Royal Irish Constabulary, to whom not only the Government, but every respectable man, woman, and child in Ireland, owed a deep debt of gratitude. He was sure that by their omission from the provisions of that Bill, there was no intention of casting a slur on that excellent body of men; but he trusted that they would hear from the Government that it was their intention, at the earliest opportunity, to introduce a Bill dealing separately with the Royal Irish Constabulary and putting them on an equal footing with their brethren in England and Scotland.

LORD BRABOURNE gave a warm support to the Bill, but said, that he only rose in consequence of the remark of his noble and learned Friend (the Earl of Selborne) with regard to soldiers. With great submission to the noble Earl, he would remind him that recent decisions in the Registration Courts had established the right of soldiers to vote at Parliamentary Elections, if duly qualified. What this Bill proposed to do was, not to give votes to men because they were policemen, but to enact that, if otherwise duly qualified, they should not be disfranchised on account of their being policemen.

The Earl of SELBORNE said, he wished to explain that his remarks were not applied to policemen generally, but only to those who might be on duty during elections.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

INDIA—THE LAND ACQUISITION ACT —EXPROPRIATION OF ZEMINDARS AT ARNI GHAT, MUSSOORIE.

QUESTION. OBSERVATIONS.

Lord STANLEY of ALDERLEY, in rising to present a Petition; and to ask the Secretary of State for India, If it was true that at Mussoorie there were three men in possession of a cultivatory holding of 200 bighas, at a fixed rent of Rs. 5 to Rs. 8 a-year, and of very considerable value. The land was taken away by Government under the Land Acquisition Act, and Mr. Laidman assessed the compensation to be given. In the result he awarded Rs.3,300 to the person entitled to receive the rent, and Rs. 2,400 to the tenants, and out of this Rs. 2,400 he gave all but Rs. 900 to the creditor of one of the tenants, so that the three, who were formerly in a position of comparative opulence, were turned out upon the world as beggars; and, if it is true, whether he will direct that these men be compensated; also, if he will inquire whether Mr. Laidman's Court was one duly qualified under the Land Acquisition Act for hearing the case; and whether the public notices and proclamations required by the Act had been made; also to ask the Secretary of State if he will inquire into the conduct of the Lieutenant Governor of the North-West Provinces, Sir Alfred Lyall—(1) in respect to the Arni Ghat expropriation; (2) his ordering Mr. Laidman to prosecute Captain Hearsey; (3) his promotion of Mr. Laidman after the trial; (4) the secret Circular to his judicial subordinates commenting adversely on the judgment of the Chief Justice? said, according to the Notice, he had the honour to present a Petition from Captain Hearsey, asking for redress on account of the acts of the Lieutenant Governor of the North-West Provinces. Captain Hearsey's family had been attainted in 1745 on account of the presence of some of them at the Battle of Culloden. Since then they had settled in India, and 10 of his relatives had served in the Indian Army. His father was General Sir J. B. Hearsey, who played a considerable part in the Mutiny. The case which he had to lay before the House consisted of two separate complaints—first, with regard to the spoliation of the Arni Ghat Zemindars for the purpose of providing a better botanical garden for Mussoorie; and, secondly, with respect to the conduct of Sir Alfred Lyall, as it arose out of the spoliation of these Zemindars. The noble Viscount the Secretary of State for India (Viscount Cross) would not be able to deny the description of the injury suffered by these Zemindars given in the Notice Paper, because these words were taken from the summing up of the Chief Justice in a trial arising out of the first wrong done to the Zemindars. This Chief Justice was then the Chief Justice at Allahabad, and he had since become the Chief Justice of Calcutta. The wrong done to the three brothers who owned Arni Ghat was that they were forcibly deprived, under the Land Acquisition Act, of land and houses valued at Rs.22,000 for a nominal sum of Rs.5,700. That this sum was entirely inadequate was clear from the fact that the three assessors of all the parties agreed in stating that this property, which was irrigated, could produce 400 maunds of wheat per annum besides other crops. At the price for wheat in the locality, at 20 years' purchase—the basis laid down in the Land Acquisition Act — this gave Rs.20,000 and Rs.2,000 for the houses on it. Another proof consisted in the fact that the old discarded botanical garden had since been sold for Rs.10,000; yet it must have been inferior to Arni Ghat, or it would not have been abandoned for Arni Ghat. There was yet a further injustice done to these unfortunate Zemindars. A certain mohunt or priest had a chief rent of Rs.5 on Arni Ghat, the payment of which should have been continued by the Government on behalf of the botanical gardens, as would have happened in the case of a Scotch feu or an English chief rent; or the chief rent might have been extinguished at 25 years' purchase, which would have been Rs.125; but, instead of that, Mr. Laidmain, the Judge of the Small Causes Court which settled this case, assigned Rs.3,300, or the larger half of the purchase money—Rs.5,700—to the mohunt or owner of the chief rent of Rs.5. He must explain an apparent discrepancy between Rs.5 and the Rs.5 to Rs.8 a-year mentioned by the Chief Justice. By the deed—of which he had in his hand a translation—

> "The high priest and ruler and chief mohunt of the Gurn Guddee, by name Saroop Dass, gave a grant by deed of the village of Arni Ghat to Dilloo, for which the ruler of the Gurn Guddee shall receive year by year the sum of Government rupees five only. If any Zemindar shall disturb or annoy Dilloo (in his possession) the ruler (of the Gurn Guddee) shall fine that individual: all other claims (with the exception of the five rupees) are given absolutely and free by the ruler of the Gurn Guddee."

The other Rs.3 referred to by the Chief Justice as occasionally given were a "nuzzur," or voluntary offering to the priest. The motive alleged for this gratuitous injustice was that this mohunt was in the habit of lending elephants, carriages, and other conveniences to Indian officials. Of the remaining sum of Rs.2,400, the Judge assigned the greater part to the creditors of one of the three brothers or owners, and he also ordered Rs.234 to be deducted for Government costs, though it was said that this was contrary to the Land Acquisition Act, and some Rs. 900 was all that was left for the owners. It might be asked why the three dispossessed Zemindars did not avail themselves of their right of appeal? It was the extreme poverty to which they were reduced which deprived them of this resource. They had not the means to fee counsel to place their case before the High Court. Captain Hearsey's letter says of the eviction, after the decree of Mr. Laidman—

> "In the beginning of November, 1882—the men had refused, at my advice, to quit their houses and homes—the superintendent of the Dhoon sent for all the males of the village to his office, which was in Mussoorie, about four miles off, and, as in duty bound, they attended. It was a cold winter day, alternate heavy showers of sleet and rain deluged and froze the earth, the wind cut like a razor. During the absence of the men, at the order of the local authorities, certain Mahomedan coolies, Awghanies, broke open their doors, thrust the women and children out into the cold winter blast, and pitched their clothes, bedding, cooking utensils, and stores of food after them into the rain and sleet. When the men returned late in the afternoon from the superintendent's office, they found their women and children waiting in the open in the soaking rain for their arrival, their winter store of food damaged by rain, and they and their wives and little ones homeless and shelterless. I believe for that night they took shelter in the Barlow-gunj bazaar—a small bazaar belonging to a member of our family. This is the action of the myrmidons of the State landlord, the Government of India."

This description might possibly remind their Lordships of the Glenbeigh evictions; but there was this difference—the person who caused those evictions was owed five years' rent, and would have taken half-a-year's rent, so that he was evicting for a 10th part of what was his own; but the Government of the North-West Provinces had evicted for what was not their own, and for which they had not paid a 22nd part. He was sure that his noble Friend the late Secretary of State for India would not defend this eviction, because he and others were pledged by their Leader to the doctrine that evictions justified the Plan of the Campaign. He was not aware that there was any record of any public utterances of the noble Viscount the Secretary of State for India as to evictions; but he was too faithful and devoted an adherent of the Prime Minister to separate himself from his policy; and he only asked the noble Viscount to carry out in India the admirable provision of the Land Bill for Ireland, which would shortly be before the House, for paper evictions by legal process converting a tenant into a caretaker, and that no actual evictions should take place in India under the Land Acquisition Act until all the appeals had been heard and the cases legally concluded. There were two things which the India Office might suggest to the Secretary of State in answer to the case he had now stated. One was, that the three brothers were not the owners, but only occupancy tenants; and the other, that whatever was done to them was done in due course of law. It would be a mere quibble, which the Secretary of State would not succeed in inducing anyone to believe, to assert that a chief rent of Rs. 5 constituted the owner of it the owner of the whole property; or considering the deed granting Arni Ghat in perpetuity for a chief rent of Rs.5, that the owner of the chief rent had any further interest in or claim to interference with the property; or that persons owning land in perpetuity, subject to the trifling chief rent of Rs.5, were not the real owners. Those who received the chief rents of Scotch feus were termed superior landlords, but they had no rights over the land beyond receiving those chief rents. The mohunt, therefore, ought not to have had an assessor to value Arni Ghat; but this was done in order to give the Government of the North-West Provinces an extra voice against the Zemindars' assessor. As to this expropriation having been carried out according to law, it was stated, in opposition to that view, that the Small Causes Court in which this spoliation was decreed was not a Court competent under the Act to try such a case. It was also stated that the notices and proclamations required by the Act were not made in this case. Notice had to be given in the Government *Gazette*, and also by beat of drum, or by notices posted on the buildings on the estate or elsewhere, that the land is to be so taken. That many abuses had taken place under this Act was shown by the Circular recently issued and published last month by the Board of Revenue, calling upon the collectors and commissioners to exercise more personal supervision in cases arising out of the Land Acquisition Act. Now, though this expropriation took place a good while ago, it was only comparatively lately that the affair got into the Indian newspapers; and the late Secretary of State for India knew nothing of it, and it was never brought under his notice. The whole responsibility of this injustice and oppression, if it should be upheld, would, therefore, belong to the noble Viscount the Secretary of State for India. By responsibility, he did not mean responsibility to Parliament, which was an obsolete and unmeaning phrase, but that responsibility in the next world which could not be evaded, and which the noble Viscount would not be inclined to deride. He would now relate the administrative abuses and arbitrary conduct to which this spoliation led the Lieutenant Governor of the North-West Provinces. Mr. Laidman, who had decided this case against the three Zemindars of Arni Ghat, in subsequent proceedings on the 9th of February, 1885, addressed these Rajpoots from the Bench with the words—"Soor! badmash! haramzadeh!" or, "Pigs! blackguards! bastards! you have appealed our decree to the High Court;" then he repeated the bad words, and told the peon to turn them out of Court. Captain Hearsey, who was present in Court, and who had befriended these Rajpoots, wrote a letter to *The Statesman* of Calcutta narrating these unseemly words from the Judicial Bench. For this, Sir Alfred Lyall directed Mr. Laidman to prosecute Captain Hearsey for defamation; he could not brook any criticism even of an unworthy member of the Civil Service. Accordingly, Captain Hearsey was prosecuted in July, 1885. The Chief Justice summed up against the prosecution, and the jury acquitted Captain Hearsey in five minutes. There were seven Christian and two Native jurors; the foreman was the local manager of the Agra Savings Bank, and another juror was connected with another bank. It was naturally to have been expected that Sir Alfred Lyall should have bowed to this judicial decision; but their Lordships would be astonished to learn that he replied by promoting Mr. Laidman to a higher post, with additional salary of Rs.300 a month, although he had just been shown to be unfit for the Bench, and tainted with perjury. It was also stated that he remitted, or ordered to be refunded to Mr. Laidman, the costs which had been given against him in the recent trial. If the Secretary of State should find that Mr. Laidman's costs had been repaid to him out of public money, would he direct that Captain Hearsey also should be reimbursed the Rs.3,000 that he had to pay for his defence? Not satisfied with that he wrote a Minute or Resolution, condemnatory of or adversely criticizing the Chief Justice's judgment, and sent it round in a semi-secret way to his judicial subordinates, for it was sent round to them by a messenger, with orders that they were to take note of it, but not take a copy of it. The Secretary of State would hardly be able to uphold or excuse this method of the Lieutenant Governor of a Province of securing the respect of the junior members of the Judicial Body for the Chief Justice. Their Lordships would probably be told—and, if so, he should entirely concur with the statement—that Sir Alfred Lyall was a man of great ability, culture, and energy, and an ornament of the Indian Civil Service; but he had the defect of caring more for the interests of the Civil Service than for the interests of the people of India; and in these affairs he seemed to have lost his judgment and to have exemplified the saying—*Corruptio optimi pessima.* Sir Alfred Lyall had, however, done an injury to the Indian Civil Service, since the Press had contrasted his conduct with that of Lord Reay in the Cambay case; and many would be led to say that the Lieutenant Governorships of Bengal and the North-West Provinces ought to be filled up by men fresh from England, and not by members of the Civil Service. The wrong done under the sanction of the Lieutenant Governor had borne fruit, and formed a precedent. Quite recently, the municipality of Mussoorie, when wanting a piece of land for the disposal of their sewage, offered Rs.10,000 to their Vice President for a piece belonging to him; later they wanted to take for Rs. 1,000 only a plot from the villagers of Kiar Kuly, half the size of that for which they had offered Rs. 10,000. These villagers escaped from expropriation, because the medical officer would not allow this land to be used for the purpose, as it would have contaminated the water going to the Goorkha lines. The municipality was now attempting to expropriate some other villagers for an inadequate price, and although the matter was not legally concluded, the municipality had taken possession of the land and placed its filth upon it. He concluded by moving for a copy of Sir Alfred Lyall's Resolution on the Judgment of the Chief Justice.

Moved, "For a Copy of Sir Alfred Lyall's Resolution on the Judgment of the Chief Justice."—(*The Lord Stanley of Alderley.*)

The SECRETARY of STATE for INDIA (Viscount Cross), in reply, said, it was not his intention to enter into the subject of future legislation, or discuss the question generally; he would content himself with simply answering the Question put before him. On the first two clauses of the Question, it would be enough to say that the decision of the subordinate Judge of Dehra Dun in the case referred to by the noble Lord was appealed against in the High Court of the North-West Provinces by the tenants; that their appeal was dismissed with costs, their own counsel admitting that he had no case; and that if there had been in the decision appealed against either any failure in substantial justice or any defect in the form of procedure, it would certainly have been taken notice of by the High Court. As regards the third clause of the Question, Captain Hearsey stated, in a Memorial received from him, that he had sent to the Viceroy a Petition for transmission to the Secretary of State. He (Viscount Cross) did not propose to take any action, unless he received a representation on the subject from or through the Government of India in the ordinary course.

Lord STANLEY of ALDERLEY said, that he was satisfied with the noble Viscount's reply, as the matter was under the examination of the Indian Government, and he would withdraw the Motion. The noble Viscount, however, had been misinformed as to the appeal.

Motion (by leave of the House) *withdrawn.*

IRISH LAND LAW BILL.—(No. 58.)

(*The Lord Privy Seal, Earl Cadogan.*)

COMMITTEE.

Order of the Day for the House to be put into Committee read.

Lord INCHIQUIN said, he wished to point out that since the Bill was read a second time, Her Majesty's Government had altered what must be considered as the most important part of the Bill in a very serious way. They had proposed to omit the three Clauses 21, 22, and 23 in the Bill, dealing with the power of the Court to stay eviction, the jurisdiction of the County Court, and the power, in certain cases, to continue the tenant in his holding, notwithstanding his bankruptcy, and substitute new clauses for them of vital importance to Irish landlords generally. Now those clauses had been in the hands of noble Lords but a very short time, and they contained very important provisions indeed, and, although he for one and, he believed, other Irish landlords were perfectly ready to consider those Amendments, if possible, in a favourable manner, they still felt that the Amendments in question were of such vital importance that some time ought to be given, not only for Irish Landlords to consult among themselves as to whether they met the objections previously raised, but also that they might be able to refer the new clauses to those in Ireland who were best able to judge, in order that they might have their opinions to strengthem them in any action they might think fit to take in that

House. He wished to know whether, supposing their Lordships agreed to accept temporarily those three clauses, the Government would consent to re-commit the Bill subsequently in order that noble lords might have an opportunity of carefully considering them, and, perhaps, proposing Amendments upon them if they were so advised.

VISCOUNT MIDLETON said, he thought the Amendments met the objections raised on the second reading only to a limited extent. He objected to the clauses as they now stood, however, not on the ground that he did not wish to see some equitable jurisdiction given to County Court Judges, or whoever were to be the authorities eventually under the Act; but, because he did not believe that those County Court Judges could overtake the work which would be thrown upon them if the clauses passed in their present form. He had taken considerable trouble to ascertain, and found that authorities in Ireland and elsewhere entirely coincided with him on that point. Time ought to be given for inquiries into the matter, and he should be exceedingly glad if the Government could see their way to accept the suggestion of his noble Friend (Lord Inchiquin) and leave those subjects an open question until the other clauses, to which he believed very little serious objection would now be made, had been considered.

LORD FITZGERALD said, he would suggest as the most convenient way out of the difficulty, that their Lordships should that evening proceed *seriatim* with the first 20 clauses of the Bill, and that on coming then to the three new clauses, the Government should consent to report Progress, in order that they might resume again on Thursday next. In doing that they would have made very considerable progress with the measure, and one of the objects that would be accomplished by that course would be that their Lordships would be able to consider those very important and interesting clauses, which required to be weighed in every line before becoming the law of the land, besides which they should have a statement and explanation from the Government of the real import and bearing of the clauses.

THE EARL OF MILLTOWN was understood to express himself in a similar sense.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY) said, that he agreed with the noble and learned Lord opposite (Lord Fitzgerald) that they should go into Committee at once; but with regard to the question as to what their Lordships should do when they came to the 21st clause, he should be sorry if the House then came to a Resolution such as that suggested by the noble and learned Lord to adjourn for another considerable period. He did not think anything would be gained by that course. If noble Lords were not able to ascertain the import and bearing of the clauses now, they were not likely to do so by Friday. The Government felt the extreme difficulty of the subject in framing the clauses so as to meet every view. That had been felt by everybody who had attempted to deal with it. It was not only difficult in itself, by reason of the state of the law, but on account of the strangely varying testimony with respect to the probable bearing of each portion of the clauses as originally drawn. It required, they might say, an expert to know what Irish tenants would do, and what Irish County Court Judges would do; but the worst of it was that experts were not yet agreed upon the subject, and they directly differed with each other upon it, and, therefore, there was undoubtedly more than usual perplexity and difficulty in adapting the language of the clauses to the necessities of the legislation the Government had in view. He should be extremely sorry if their Lordships, when they reached these clauses, were to adjourn. What the Government wanted was not an adjournment, but discussion, in order to hear from noble Lords precisely what were the objections which they took to the new clauses. By an adjournment before they came to the clauses, they would be as much in the dark as ever as to what noble Lords thought. It was important to know what the danger was which certain noble Lords anticipated; and they could not consider how the language of the clauses should best be drawn, in order to meet these apprehensions until they knew where the danger lay. He would, therefore, deprecate any proposal which would prevent a full discussion of the clauses. If, after the clauses had been discussed, and they had gone through the Bill, it should be the pleasure of the House to recommit the Bill as to these clauses, that would be perfectly in Order, and might, perhaps, meet the views of some of those who had spoken on this subject. It was the desire of the Government to give every facility for bringing this Bill into accordance with the feelings of noble Lords so far as it was consistent with the main object of the Bill. He would, therefore, recommend that they should go on with the Bill that night; and if they did not finish it, they might do so on Friday, and might then recommit it to some day after that.

THE EARL OF KILMOREY said, he hoped that the Government would allow an adjournment after reaching the 21st clause, in consideration of the vital importance of the question to those who were Irish landowners.

House in Committee.

ARRANGEMENT OF CLAUSES.

Amendments of General Application.

Clause 1 (Leaseholders).

LORD FITZGERALD, in moving, as an Amendment, in page 1, line 12, after the word "holding," the insertion of the words "and if such lessee so elects," said, the effect of it would be that it should only be on the desire of the leaseholder that he should be admitted to the benefits of the Act of 1881. No application for revision of a lease could thus be made by a landlord. The importance of this Bill could not be overestimated, and every word of it required to be considered, and every provision read, with the greatest care. The original idea of the Act of 1881 had been to provide protection to yearly tenants against what might prove to be excessive rents, and also to give them security of tenure. He could never see why leaseholders were not admitted to the benefits of the Act of 1881; but he would point out that they ought only to be so on different terms from those given to yearly tenants. That exclusion had created great discontent. It was now proposed that leaseholders, without waiting for the expiration of their leases, should be at once brought within the provisions of the Bill. He only regretted that the principle was not carried further, and extended to all leases, without being confined to those expiring within 60 years of the passing of the Land Act. A Bill extending the provisions of the Act of 1881 to all leaseholders at the election of the lessee had been read a second time with the assent of the Leader of the House of Commons; it was backed by Mr. T. W. Russell, Lord Ernest Hamilton, Mr. Lea, Mr. Johnston, and Mr. Sinclair, all Members, he believed, representing the North of Ireland. There was, however, a large class of leaseholders who did not want their leases interfered with, and who looked with alarm at this impending legislation which would reduce them to yearly tenancies. In some cases, where the leaseholder would find his lease broken without his having a voice in the matter, the rent he would have to pay might be larger than that which he had paid before, owing to his having had a lease fixed at a low rent. He, therefore, proposed the Amendment to meet such cases of leaseholders who did not wish to have their leases broken.

Amendment *moved*, in page 1, line 12, after ("holding,") to insert ("and if such lessee so elects.")—(*The Lord Fitzgerald.*)

THE LORD PRIVY SEAL (Earl CADOGAN) said, that the Government found it impossible to accede to the Amendment; because, if it were carried out, it would result in a one-sided and unfair state of things. No doubt, it was the object of the Bill to give relief in cases where it was required; but he was not aware that that relief should be given to the leaseholder and not to the landlord. If the Amendment were agreed to, the tenant would have a right to go into the Land Court and have his lease broken, whereas the landlord would have no such right to break a lease if he so desired. He therefore hoped that the noble and learned Lord (Lord Fitzgerald) would not press the Amendment.

LORD HERSCHELL said, he thought that, in one sense, it might be described as one-sided; but, on the other hand, if the clause were adopted without amendment, it would result in a great hardship to many tenants who were now holding under leases, because it was not a mere question of rent. By the Act of 1881, a landlord could resume possession of a farm for his own purposes, or for those of a relation; and a farm held by a leaseholder would be placed in the same position. The object of the Bill was to produce satisfaction and content, by the giving of relief to leaseholders; but unless the Amendment was agreed to, though the clause would give great satisfaction to those who were entitled to go into Court and have their rents reduced, it would produce great dissatisfaction amongst others who came to get the reverse of a benefit in order that their neighbours might be benefited. It was not merely that the landlord would be entitled to have the rent fixed in the lease raised, but the clause would, under certain circumstances, entitle him to resume possession. ["No, no!"] Yes; for the tenant would be thrown into the position of a tenant under the Land Act of 1881, and that measure enabled a landlord, for certain purposes, to resume possession. The clause, unless altered as suggested by the Amendment, would create great disatisfaction and discontent.

THE EARL OF LEITRIM said, that, in the interests of the Irish landlords, they ought to support the Amendment. It might appear rather one-sided; but still, with his knowledge of the North of Ireland, he thought the clause required to be amended in the direction suggested. He did not believe the working of the clause, as it stood, would be satisfactory from the tenants' point of view where land was held at a low rent. It would be repugnant to any good landlord to break his tenant's lease against the will of such tenant; and, speaking as an Irish landlord, he appealed to noble Lords who owned land in Ireland to support the Amendment, as being the course which Irish landlords who had not seats in the House would themselves take.

LORD THRING said, he thought the Bill would be most unfair to mortgagees, by breaking leases which might recently have been pledged as valuable securities.

EARL CADOGAN said, the lease would not be at once broken, but only in certain eventualities.

LORD THRING, continuing, said, the clause would break every lease in Ireland, even if the tenant was perfectly satisfied with his position. [*Ministerial cries of* "No, no!"] Such would, undoubtedly, be the effect of the Bill. It would work immense injustice.

THE EARL OF SELBORNE said, he felt bound to corroborate the statement of his noble and learned Friend (Lord Thring). The clause would at once break every lease in Ireland, for all would be brought under the direct action of the Bill. He could not see why the Government should object to the Amendment. It was only in appearance, and not in reality, that the Amendment was one-sided. The fact that the law enabled A to have his lease broken ought in no way to give the landlord the right of breaking B's lease against B's will. Because one leaseholder got his rent reduced, another leaseholder ought not to be liable to have his raised. If one man were concerned in both operations, it would be just, but different men were concerned. He could not imagine that there was a landlord in Ireland who, having given a beneficial lease to a respectable tenant, would wish to break it, merely because another tenant, whose circumstances were different, was enabled by law to get rid of his lease. He understood and appreciated the reasons which induced the Government to admit leaseholders to the benefits of the Land Act; but he could not approve the limitation of those benefits in the manner proposed by this clause. The Government had accepted the state of the law as they had inherited it from their Predecessors, and were not responsible for it. They retained their former objection to the principle; but they thought it necessary to admit these leaseholders to the benefit of the Act. He could not admit that it was a real and just corollary that when leaseholders wished to remain with their leases, they should be forced to give them up.

THE LORD CHANCELLOR OF IRELAND (Lord ASHBOURNE) said, that by the legislation introduced in 1881, the holders of leases which would expire in 60 years after that date were given the right of continuing in possession as present tenants after the expiration of the lease. The present Bill assumed that the 60 years had now expired, and gave at once to leaseholders the same status which they would acquire under the Act of 1881 after the lapse of more than 50 years. They would, in fact, become present tenants, subject to the terms and conditions of the leases held by them. Under the clause under consideration the provisions of each lease would, therefore, remain effective until either the landlord or the tenant should object to them. He would ask if it was reasonable to have an entirely one-sided arrangement by which one of the parties would have the right to examine into the rent, while the other would be denied the right of saying a word on the subject? The unanimous report of the Cowper Commission was to the effect that lessors, as well as lessees, should have a right of application, and all the evidence that he had read taken by the Commission supported that part of the Report. The broad question before them was whether they were to give an option to the tenant alone, and give no voice to the landlord. To that the Government were unable to assent, and, therefore, they could not agree to accept the Amendment of his noble and learned Friend.

THE DUKE OF ARGYLL said, his first feeling on reading the clause was entirely in favour of the contention of the Government; but further consideration, and hearing the remarks of the noble Earl (the Earl of Leitrim) to-night, had induced grave doubts in his mind, whether this would be a power which the landlords of Ireland would be able to exercise. Most of the witnesses examined before Lord Cowper's Commission had also expressed the opinion that the right to break a lease ought not to be given to the landlord. If a landlord had one tenant holding on a lease at a rent which would probably be reduced on application, and two others holding on very low rents, he asked any of their Lordships whether, if he were placed in that position, and the tenant holding at a high rent went and got his lease broken, he would go to the other two tenants and say that because the one tenant had got his lease broken, and his rent reviewed, he must take proceedings in order to have their rents reviewed also? So strong was his feeling in favour of covenant, that he should feel that to be a dishonourable act. No Act of Parliament would ever induce him to go to these men and address them in such language. He rejoiced to hear from a noble Earl, who was an Irish landlord, the true sentiment which he believed would animate the great majority of Irish landlords. He (the Duke of Argyll) felt strongly against the whole principle of the clause. He admitted the argument that if leases were broken in Ireland at all, they should be broken all over the country; but, looking at its abstract application, he felt that the clause as it now stood, and without the Amendment, would be likely to create the greatest possible dissatisfaction in particular parts of Ireland, and, at the same time, fail to supply honourable and generous landlords with any advantage. Good landlords would never break one man's lease with a view to an augmentation of rent because the leases of other tenants had been broken with the result that their rents had been reduced. To break a lease with such an object in view would be what he would again call a dishonourable act, and he did not think so meanly of Irish landlords as to believe them to be capable of it.

THE EARL OF MILLTOWN said, he sincerely hoped the Government would see their way to retain the provision in their Bill. If there was an advantage given to one side it should be given to the other. He maintained that a man had a right to elect whether he would come under the Bill or not.

THE EARL OF CAMPERDOWN said, that the clause made it possible to break all leases; but he would ask—was there a single landlord who, because he lost over one lease, would break another lease to the disadvantage of his tenants? He thought that was a sufficient argument to make him vote for his noble Friend.

THE EARL OF KIMBERLEY said, he hoped they would have some notice taken of the point raised as to mortgages.

LORD MACNAGHTEN expressed the hope that the Government would accept the Amendment.

THE MARQUESS OF SALISBURY said, he would point out that, besides the rights of tenants, there were also rights of public law to be considered; and the question was, what had they a right to do in respect to those landlords who were not all represented in that House, and whose rights deserved consideration from them as well as the rights of tenants. The noble and learned Lord opposite (Lord Thring) said that the Government did not dissemble their dislike to the Act of 1881; but he (the Marquess of Salisbury) must say that that Act, so far as it dealt with fair rent, professed, at least, to be scrupulously impartial between landlord and tenant; and it provided that, if the tenant might obtain a reduction of too large a rent, the landlord might obtain an increase of too small a rent. The object of the Act, in short, was to give a fair rent. Well, it was found by a great many leaseholders that it was a great hardship on them to be excluded from that legislation, and therefore it was proposed that they should be put in the same position as the tenants whose lot they envied. But the Government were now told that they were not to follow the precedent of the Act of 1881; that they were to enable the rent to be reduced when too high, but that they were not to let it be raised if it were too low. On what ground was that proposed? If the landlords were a race with no rights, then he could understand it; but if Parliament was to hold the balance between the two parties, surely Parliament would first treat the leaseholders as they had treated the tenants-at-will, and allow rents to be raised when they ought to be raised, and lowered when they ought to be lowered. As to mortgagees, it was said—"Suppose that the mortgage had been obtained upon the property subject to this low rent; if you raise the rent, you destroy the security of the mortgagee." Well, but it did not occur to the noble Lord who said that, that the same thing might happen in the opposite direction, and that where a landlord had leased his property and built himself a comfortable house, and possibly mortgaged his land on the security of the leases, he might find, if this Amendment were adopted, his house too large for him and his mortgages broken. He would remind the Committee that there were poor landlords as well as poor tenants in Ireland, and he wanted them to mete out to the poor landlords the same justice that they meted out to the poor tenant. He asked for no advantage for the one over the other in dealing between man and man.

THE EARL of SELBORNE said, he would point out that in the case of yearly tenants, either party could, by a short notice, put an end to the tenancy; and as within those limits of time, either party could alter the terms of the holding, it was manifestly reasonable to say that that there should be the reciprocal right to go into Court and have the rent revised. But now they had two classes to consider besides the landlords. They had the tenants, who had a fixed term and wished to give it up, and they had the tenants who had a fixed term and did not wish to give it up; and he could not see why they should give away the estate of the one because they thought there were reasons of policy for helping the other to relieve themselves from a position in which they did not like to remain.

EARL COWPER said, the Royal Commission had recommended that on every occasion when the rents had been made as low, or lower than Griffith's valuation, the landlord should not have power to bring the tenants into Court. The Government had paid no attention to that recommendation. As he had to decide between the Amendment and allowing leases of all kinds, however low, to be brought into Court, he thought he should be acting least contrary to the recommendation which he had signed, in common with the other Members of the Commission, if he voted for the Amendment.

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Amendment *disagreed to.*

Amendment *moved*, in page 1, line 13, after ("conditions,") insert ("and subject to the same right of resumption.")—(*The Lord Privy Seal.*)

Lord HERSCHELL said, he objected to the Amendment that it would not merely make a leaseholder a present tenant, but would make him a present tenant with something less than the rights of a present tenant, because the landlord would have a special and exceptional right of resumption.

The Marquess of SALISBURY said, it would be better that the Amendment should stand over till the Report.

Amendment (by leave of the Committee) *withdrawn.*

Lord FITZGERALD said, that in consequence of the decision at which their Lordships had arrived, he would not move the next Amendment which stood on the Paper in his name.

The Earl of BELMORE moved an Amendment, providing that the lessee shall not be deemed to be a present tenant where substantial consideration "is shown by the said lease to have been given therefor to the lessor by the lessee," and such lessee objects to being deemed a present tenant.

Amendment *moved*,

In page 1, line 18, to leave out ("has been given for the said lease,") and insert ("is shown by the said lease to have been given therefor to the lessor by the lessee.")—(*The Earl of Belmore.*)

Earl CADOGAN said, he thought the noble Earl might, perhaps, be satisfied with the Amendment he (Earl Cadogan) had put on the Paper dealing with this point. The Government preferred that Amendment to the one moved by the noble Earl.

Amendment (by leave of the Committee) *withdrawn.*

On the Motion of The LORD PRIVY SEAL (Earl Cadogan), the following Amendment made:—In line 19, after ("lease,") insert ("to the lessor or with his knowledge").

THE DUKE OF ARGYLL, in moving an Amendment providing that the lessee shall not be deemed to be a "present tenant" where substantial consideration has been given for the lease "by the lessee, or by the lessor, and such lessee or lessor objects to the tenant being deemed a present tenant," said, the principle involved in the Proviso was that, in fixing a fair rent, the Act of 1881 laid down that the Court should hear the persons, and having regard to the interests of the landlord and the tenant respectively, and considering all the circumstances of the case and the holding, might determine what a fair rent was. Undoubtedly, under those general words, the Court ought to consider what was paid on the one hand by the landlord, and on the other by the tenant. But it was a great fallacy to suppose that the tenant's was the only case worthy of consideration, and he thought the attention of the Court should be drawn to the valuable consideration, in the form of permanent improvements or otherwise, given by the landlord. His object, therefore, was to protect the landlord in all cases where he had given such valuable consideration. In this connection, he would relate two instances which had been brought to his notice, of tenants of Lord Lansdowne, against whom such an indecent and unjust persecution was being carried on, a persecution which, in all the circumstances of the case, was the most outrageous that had occurred. He happened to have heard of the cases that morning, not from Lord Lansdowne, because he had had no communication with him, but from another source. Of the two persons who were leaders in the agitation, one was a person named Dunn, who held five contiguous farms. The agitators pretended that all the agitation was in favour of poor men holding small holdings; but the principal agitator against Lord Lansdowne was what might well be called a land-grabber, paying a rent of £1,367. He was a capitalist farmer, and not a poor man at all; and he had enjoyed a long lease during prosperous times. Look at the outlay to which Lord Lansdowne had been put regarding these farms. Lord Lansdowne had laid out £2,625 on the drainage of these farms, which sum he received by loan from the Government at 6½ per cent, and for which Lord Lansdowne was only charging Mr. Dunn 2½ per cent, thereby actually losing money largely on the transaction by which this gentleman benefited. The other gentleman to whom he referred was Mr. Kilbride. This gentleman held two farms at a rent of £760. What had Lord Lansdowne laid out on these farms? It was commonly, but most unjustly, said that landlords in Ireland never spent any money on their estates. Lord Lansdowne, in this case, had laid out no less a sum than £3,179, which he had borrowed at 6½ per cent. He had only charged this gentleman, who was hounding Irishmen in Canada against the Viceroy, 4 per cent, he himself paying the balance of 2½ per cent. He maintained it was monstrous, when there were plenty of cases undoubtedly in Ireland of this kind where landlords had expended large sums, that the attention of the Courts should not be directed by the Act of Parliament to cases where the landlord had given valuable consideration, as well as to those cases where the improvements had been effected by the tenants. Even if Lord Lansdowne had not laid out a single sixpence he held that there was a case for compensation. He did not know the length of the leases of those gentlemen or when they expired; but looking at the prices of agricultural produce during the last 30 years, he knew that at least during 20 of those years, prices were so high that there was keen competition for every vacant farm. Seeing that such tenants had enjoyed the benefit of high prices during 20 years, it was neither just nor reasonable that they should be allowed to come into Court, and plead the recent exceptional prices, and get a judicial rent without the attention of the Court being directed to circumstances so clamant as this, and without provision being made for the landlords as regards their expenditures. The reason of the case was quite manifest, and he would conclude, therefore, by moving the Amendment standing in his name.

Amendment *moved*,

In page 1, line 19, to leave out from ("lease") to end of the Proviso, and insert ("by the lessee or by the lessor, and such lessee or lessor objects to the tenant being deemed a present tenant.")—(*The Duke of Argyll.*)

EARL CADOGAN said, he quite appreciated the point put by the noble Duke, and, undoubtedly, no better illustration could be given of the object of the Amendment than that of the case of the noble Marquess (the Marquess of Lansdowne), which had created so much sympathy all over the country. He would suggest, however, to the noble Duke that his object was met by the first paragraph on page 2—

> "Provided also, that when under the provisions of this section an application is made to the Court to fix a judicial rent for a holding held under a lease, the Court shall disallow such application if the Court is satisfied that the landlord or his predecessors in title has or have made permanent improvements on the holding, the unexhausted value of which improvements is at the time of making such application not less than four times the yearly rent of the holding."

If those words were not adequate to meet the case put by the noble Duke, the Government, sympathizing with the object, would consider the desirability of amending them.

THE DUKE OF ARGYLL said, he did not think the object he had in view would be met by the words quoted; but he would not press his Amendment at the present stage.

Amendment (by leave of the Committee) *withdrawn.*

LORD FITZGERALD moved, as an Amendment, to omit altogether the first paragraph on page 2, referred to by the noble Earl (Earl Cadogan). He urged that whereas the Bill was promoted with a view to removing discontent and every sense of injustice, the paragraph in question would involve a most complicated inquiry and litigation, and be a source of dissatisfaction besides being wholly unnecessary.

Amendment *moved,* in page 2, to omit the first sub-section.—(*The Lord Fitzgerald.*)

LORD CASTLETOWN earnestly condemned the tribunals which had to carry out the Act of 1881.

THE MARQUESS OF SALISBURY said, that in the particular case of improvements mentioned in the clause, it was necessary that they should have some technical words, as there was a natural prejudice in all minds against people who did not follow the ordinary practice of the country-side, and therefore he thought that they could hardly trust the Court to deal with the matter without words of this nature being inserted. Whether four times the yearly rent was not too much for a calculation of the unexhausted value of the improvements, he was not certain, and they were willing to consider any Amendments upon that subject. Some limitation, however, was necessary. He would frankly confess to noble Lords from Ireland, that it was not merely a care for Irish property that had led the Government to introduce this clause. They were not only anxious to do what was popular and was the cause of contentment, but also to leave upon the Statute Book nothing but provisions that were just in themselves; because they knew from experience, that injustice was prolific, and that an unjust enactment placed upon the Statute Book would produce others still more unjust. He was anxious that they should draw a broad line of distinction between what was alleged to have created the necessity for such legislation in Ireland—namely, the practice of the tenants making improvements, and the case which existed in both parts of this Island. It was very important that that distinction should be clearly established, and, therefore, that some such provision as this should be placed on the Statute Book, especially when they were taking such an exceptional step as breaking leases.

THE EARL OF KIMBERLEY said, he felt bound to protest against the idea that they had Courts in Ireland administering Land Laws which could not be trusted, and he thought that any legislation which rested upon that contention must be vicious. If Her Majesty's Government held the view that the Courts were not to be trusted, their proper course would have been to bring in a Bill to reform those Courts.

THE MARQUESS OF SALISBURY hoped that there would be no misconstruction placed upon his words. What he did say was, that some of those who had to carry out those Acts were liable, as all men were, to a prejudice in this one particular case.

THE EARL OF KIMBERLEY said, that it was a very unsafe thing to legislate on the principle of distrust of the Courts. One result of the clause would be, that the present tenants created by the Bill would be on a different footing from all other present tenants in Ireland under the Act of 1881, and confusion would be almost certain to ensue. The proposal contained in the clause, he considered a most unadvisable one to make.

Lord FITZGERALD defended the Courts, which, he said, were presided over by men of very high character.

The Duke of ARGYLL said, what he gathered from the evidence before the Cowper Commission was that no Courts were competent to decide in this case, not because they were dishonest, but because Parliament had given them a function which no Court could discharge. Their Lordships would remember that within two years after the operation of this Act, the Ulster tenants came in a body to Sir George Trevelyan, then Chief Secretary to the Lord Lieutenant, and remonstrated with him on the rents which were then fixed by the Commissioners, and urged that they were great supporters of the Government of the day. Did the House not remember that, instead of the matter being treated as one for judicial decision, it was considered as one for political action, and that Sir George Trevelyan, honest and honourable man as he was, was obliged to fence with them? He told them the Executive Government had nothing to do with rents; but before the deputation left his room, he distinctly said the Government would keep an eye on these valuations, and if they found the interests of the tenants were not protected, they would know how to apply a remedy. That was the spirit in which the matter was regarded.

Earl SPENCER said, that his recollection of the incident referred to was that the deputation that waited upon the Chief Secretary complained of the system under which valuators had been appointed to the Courts. The answer of the Chief Secretary was explained in the subsequent debate in the House of Commons, when it was shown that the appointment of valuators had not enabled the Commissioners to dispose of the cases with sufficient speed. In fact, he stated in the House of Commons that as due expedition was not shown, the Commissioners, in conjunction with the Government, had decided to alter and reconstitute the Sub-Commission.

Lord CASTLETOWN said, that the principal work under the Land Act fell upon the Land Commissioners, and those were the men in whom they had no confidence.

Amendment (by leave of the Committee) *withdrawn.*

Amendment *moved,* to add, at the end of the Clause I., the following Proviso:—

"Provided, That this section shall not apply to any lease made before the passing of said Act of 1881, where the Court shall be satisfied that, by agreement between the landlord and the tenant of the holding, entered into and made after the passing of said Act of 1881, the rent reserved by the lease has been reduced for the residue of the term."—(*The Earl of Erne.*)

Earl CADOGAN: said, he could not accept the Amendment, because he thought it was unnecessary. He did not see why the fact that a landlord had entered into an agreement with his tenant to reduce the rent fixed by the lease should disentitle the tenant to have a fair rent fixed. If the reduction made to the tenant by the landlord brought the rent down to a fair rent, then this Court would not interfere with it; whereas, if the reduction did not bring it quite down to a fair rent, the Commissioners would only reduce it to that point.

The Earl of CORK said, he thought that the Amendment would be only fair towards landlords who, like himself, had come to amicable terms with their tenants. It would be rather hard that, having reduced their rents for some years past, they should now be placed in a worse position than those landlords who had refused to reduce the rents of those tenants who held under leases. It was no satisfaction to him as a landlord to know that he could go into Court, for he did not wish to do so. In fairness to those landlords who had acted generously, some such provision as that proposed by the noble Earl ought to be inserted in the Bill.

The Marquess of SALISBURY said, that in no way could the clause be unjust, for no reduction would be made to a lower level than the fair rent. He would suggest, therefore, that the noble Earl might be content with an Amendment directing that diminutions of rent resulting from such agreements as he contemplated in his Proviso should be taken into consideration by the Court when fixing a fair rent.

LORD BRAMWELL said, he thought that when a tenant whose rent had been reduced in the circumstances described in the Proviso, repaired to the Land Court to seek a judicial rent, the special bargain between him and the landlord ought to be treated as rescinded, so that the original and not the reduced rent might be taken into consideration. To enact that would be to follow the legal principle, that when a man was dissatisfied with a bargain, he could not retain that portion of it which he considered beneficial to himself, while seeking to be released of the covenants to which he objected. He had not a word to say against those who had been reducing rents in Ireland; but he was satisfied that they felt they had been sent on a mission of reduction.

Amendment *disagreed to.*

Clause, as amended, *agreed to.*

Clause 2 (Judicial rent may commence on date of application to the court), *agreed to.*

Clause 3 (Consolidation of proceedings in ejectment, and application for fair rent).

LORD FITZGERALD moved an Amendment limiting the application of a clause to ejectments brought in Civil Bill Courts. The object of the Amendment, he explained, was to prevent delay.

Amendment *agreed to.*

Moved, "To omit Sub-section 2 of the Clause."—(*The Lord Fitzgerald.*)

Motion *agreed to.*

Clause, as amended, *agreed to.*

THE EARL OF ERNE, in moving the addition of a new clause after Clause 3, said, he thought it would be a better arrangement than leaving the selection to the Judges, and he hoped the matter would be considered by the Government.

Amendment *moved*, after Clause 3, to insert the following Clause:—

"The Lord Lieutenant shall from time to time appoint independent valuers to report to the Judges of the Civil Bill Courts upon all matters which may assist such Judges in determining the fair rent and specified value of a holding. There shall be paid to such valuers such remuneration as the Lord Lieutenant may, with the consent of the Treasury, determine."—(*The Earl of Erne.*)

EARL SPENCER said, he quite agreed with the noble Earl that it would be better to place this power in the hands of the Lord Lieutenant.

EARL CADOGAN said, the Amendment was out of place; the point would arise on Clause 29.

Amendment (by leave of the Committee) *withdrawn.*

Clause 4 (Substitution of a written notice for the execution of an ejectment).

On the Motion of The LORD PRIVY SEAL (Earl Cadogan) the following Amendments made:—

In page 2, line 37, at the beginning of the clause insert ("in the case of any holding for which a judgment in ejectment for non-payment of rent has been recovered"); and in page 3, line 4, leave out from ("upon") to the end of the line, and insert ("every person served with the writ or process in such ejectment").

Amendment *moved,*

In line 12, after ("caretaker") insert ("When a person is deemed to have been put into possession of land as a caretaker under this section, he may be removed from possession at any time in the manner provided by law for the recovery of possession of premises occupied by a caretaker; or, at the expiration of the period of redemption, but not sooner, the possession of such land may be recovered by a writ of possession in the prescribed form under the said judgment in ejectment for non-payment of rent save as aforesaid."—(*The Lord Privy Seal, Earl Cadogan.*)

Amendment *agreed to.*

LORD INCHIQUIN said, he trusted their Lordships would have an opportunity of considering that very important clause when the Bill was recommitted.

Clause, as amended, *agreed to.*

Clause 5 (Power of surrender by middleman).

EARL CADOGAN, in Sub-section 8, providing that the person to whom a surrender is proposed to be made shall not be bound thereby unless written notice of the intention to surrender be served within three months after the passing of this Act, or within three months after the making of the reduction of rent upon which the right to surrender is founded, proposed, as an Amendment, that "six months" be substituted for "three months" in both cases.

Amendment *moved*, in page 4, lines 42 and 43, leave out ("three") and insert ("six.")—(*The Lord Privy Seal, Earl Cadogan.*)

Amendment *agreed to.*

THE EARL OF MILLTOWN proposed an Amendment, providing that where a person claimed to surrender his holding, part of which is sub-let, the Court shall determine the fair rent of the part not sub-let as if it constituted a holding, and the person surrendering were the tenant and the person to whom the surrender is proposed to be made were the landlord of the holding, and such person so claiming shall be deemed to be a tenant of a present tenancy, and such holding shall be subject to all the provisions of the said Act of 1881 with regard to present tenancies, provided that such person has not sub-let any portion of his holding without the consent of his landlord.

Amendment *moved*,

In page 4, leave out from ("sublet") in line 6 down to the second ("he") in line 8; page 5, Sub-section (9.), line 15, after ("holding") add ("and such person so claiming shall be deemed to be a tenant of a present tenancy, and such holding shall be subject to all the provisions of the said Act of 1881, with regard to present tenancies, provided that such person has not sublet any portion of his holding without the consent of his landlord.")—(*The Earl of Milltown.*)

LORD ASHBOURNE said, he felt bound to oppose the Amendment, on the ground that it was neither fair nor reasonable.

Amendment (by leave of the Committee) *withdrawn.*

LORD CLONCURRY, in moving to add the following sub-section to the clause:—

"The tenant of any holding held under a contract of tenancy made since the passing of the Landlord and Tenant (Ireland) Act, 1870, and made subject to Section 12 or Section 15 of that Act, may surrender his estate in the holding, subject to the provisions of this section,"

said, that the provision would only apply to a small number of tenants, and enable them to give back the land to the owner when they found that they could not make any profitable use of it. He thought it was a subject worthy the consideration of the Government whether, by extending this clause to the class of tenants to which he referred, they would not conduce to the peace and order of the country.

Amendment *moved*,

In page 5, line 15, after ("holding") insert—"(10.) The tenant of any holding held under a contract of tenancy, made since the passing of the Landlord and Tenant (Ireland) Act, 1870, and made subject to section twelve or section fifteen of that Act, may surrender his estate in the holding, subject to the provisions of this section."—(*The Lord Cloncurry.*)

EARL CADOGAN said, he was very unwilling to decline any Amendment proposed by his noble Friend, but he could not accept the proposal which had been made with respect to this particular clause. If his noble Friend brought up a separate clause on the Report stage the Government would consider it; but at present, he regretted to say, they must oppose the Amendment.

Amendment (by leave of the Committee) *withdrawn.*

On the Motion of The Lord FITZGERALD, the following Amendment made:—To add the following section at the end of clause:—

"Where any estate in land is surrendered under this section all sub-tenants of the person surrendering such estate shall thereupon become tenants to the person to whom such surrender is made at the rents and subject to the conditions of their sub-tenancies under the person so surrendering."

Clause, as amended, *agreed to.*

Amendment *moved*, to insert the following new clauses in page 5, after Clause 5:—

"(6.) During the continuance of a statutory term in a tenancy, application by the landlord to authorize the resumption of a holding, or any part thereof, by him for some purpose having relation to the good of the holding or of the estate shall be entertained by the court, the modification in Section 8, Sub-section 3, of the Land Law (Ireland) Act, 1881, notwithstanding.

"(7.) Where the rent of any holding has been or may be increased, in respect of capital laid out by the landlord under agreement with the tenant, as provided by Section 5 of the Land Law (Ireland) Act, 1881, the rent fixed by such agreement shall be deemed a fair rent during the term specified in such agreement, and until the expiry of such term no application for the alteration of such rent shall be entertained by the court."—(*The Duke of Argyll.*)

LORD ASHBOURNE said, he would admit that the question raised by the Amendment was one of considerable importance; but he would suggest that, pending the careful consideration of it by the Lord Privy Seal and himself, it might not be pressed in the meantime.

THE EARL OF MILLTOWN said, he supported the Amendment in the interest of the labourers, for whom it was difficult to procure gardens and allotments near villages as the law stood at present.

LORD INCHIQUIN said, he trusted the Government would favourably consider the Amendment, which he likewise regarded as affording the most important means of providing accommodation for the labourers.

THE DUKE OF ARGYLL said, that, while unwilling to press the Amendment in face of the opposition of the noble and learned Lord opposite, he hoped the Government would further consider the point. It was not in the interest of the landlords alone, but in the interest of all parties, that around all towns and cities in Ireland, as elsewhere, there should be ground available for building extensions.

Amendment (by leave of the Committee) *withdrawn.*

Amendment *moved*,

After Clause 5, to insert as a new clause—"The provisions of the twenty-first section of the Act of 1881 with regard to leases, the acceptance of which by tenants was procured by threat of eviction or undue influence, shall apply to all grants in perpetuity executed since the first day of January, 1869, the execution of which has been so procured, provided that application to the Court be made within six months after the passing of this Act."—(*The Earl of Milltown.*)

LORD ASHBOURNE said, he hoped that the noble Earl would withdraw this clause. He (Lord Ashbourne) thought that, under all the circumstances, it would be desirable not to complicate the Bill by the insertion of such a clause.

Amendment (by leave of the Committee) *withdrawn.*

Clause 6 (Town parks).

LORD INCHIQUIN, in moving an Amendment by which any parcel of land let as accommodation land, and not as a farm, contiguous to any village or town, should be deemed to constitute a town park, and not a present tenancy, said, that his object was similar to that which the noble Duke opposite (the Duke of Argyll) had in view in a former Amendment, except that it did not provide for town buildings' extensions, but almost exclusively for allotments. The Amendment was simply to enable the landlords to let any land as accommodation land when it was contiguous to buildings, villages, and towns.

Amendment *moved*,

In page 5, line 20, after ("1881") insert ("and any parcel of land which has been or may hereafter be let as accommodation land, and not as a farm, contiguous to any village or town, shall be deemed to constitute a 'town park' and shall not be deemed to be a 'present tenancy' within the meaning of the said Act.") (*The Lord Inchiquin.*)

THE EARL OF BELMORE said, he thought that if town parks were to be abolished, it should be directly, and not by a side wind. The clause in the Bill did not alter the law with regard to town parks, but merely defined what the law was. He preferred the Amendment of which he had given Notice, and which he was proceeding to read, when——

THE CHAIRMAN OF COMMITTEES: We are now considering the Amendment of the noble Lord (Lord Inchiquin).

LORD MACNAGHTEN opposed the Amendment.

LORD ASHBOURNE, in opposing the Amendment on behalf of the Government, said, although it was only intended as an addition to the clause, it seemed to contradict the clause itself, and to offer an absolutely new definition of the purpose of accommodation land. It was also an absolutely new departure in the law of Ireland. The Government could not advise the Committee to accept it.

On Question? Their Lordships *divided*:—Contents 16; Not Contents 76: Majority 60.

Amendment *disagreed to.*

Amendment *moved*, to leave out Clause 6, and insert following clause—

"A parcel of land shall not be deemed to constitute a town park unless it is or has been used substantially as accommodation land, and is in other respects within the definition of the expression 'town park' in the Land Law (Ireland) Act, 1881: Provided always, that no parcel of land shall lose, or be deemed to have lost, its character of a town park by reason only that the person in occupation of the same shall have ceased after he became tenant thereof to live in such city or town, or the suburbs thereof, as in the said definition mentioned, or by reason of the holding becoming vested by succession, assignment, bequest, or act and operation of law in some person not residing in such city or town, or the suburbs thereof."—(*The Earl of Belmore.*)

THE EARL OF BELMORE said, that the difficulty sought to be cured was that caused by the words "let to be used" in the clause as it now stood in the Bill. Similar words had been used with respect to grazing farms in the Land Act of 1870; and the Courts had held that the only way to prove such letting was by the production of an agreement in writing, which, in the case of town parks, could hardly ever be done. As regarded the latter part of the Amendment, it had been recently reluctantly decided to be the law, by the Head Commissioners, on appeal, at Omagh, that a person who had resided in a town, when he originally took a town park, could, by simply going to reside in the country, take the town park with him out of the definition as given in the Land Act of 1881, in breach of the intention of that Act. The Amendment he proposed was to meet that state of things.

EARL CADOGAN said, he could not agree to accept the Amendment of the noble Earl, but he agreed that it was a very serious subject, and the Government would be quite willing to amend their own clause in order to meet the views of the noble Earl, and he would bring up a new clause for that purpose on Report.

THE DUKE OF ABERCORN said, he was glad that the Government were going to consider the matter, because the subject of town parks was of the greatest importance in Ireland.

THE EARL OF BELMORE accepted the noble Earl's (Earl Cadogan's) offer.

Amendment (by leave of the Committee) *withdrawn*.

Clause *agreed to*.

Purchase of Land.

Clause 7 (Investment of guarantee deposit).

LORD CASTLETOWN proposed an Amendment to give power to invest, in addition to the securities mentioned in the Bill, in any debentures or debenture stock issued under the Local Loans Act, 1875, or in any Corporation or township stock, of any Municipal Corporation or township in Great Britain or Ireland issued under the authority of any Act of Parliament. That would give wider powers to the trustees as to the investment of trust moneys.

Amendment *moved*,

In page 5, line 29, after ("moneys") insert ("or in any debentures or debenture stock issued under the Local Loans Act, 1875, or in any corporation or township stock of any Municipal Corporation or township in Great Britain or Ireland issued under the authority of any Act of Parliament.")—(*The Lord Castletown*.)

LORD ASHBOURNE said, he had no objection provided it was reasonably safe. He did not know whether the noble Lord had taken advice on the subject; but he should be glad if he would communicate with him between now and the Report.

Amendment (by leave of the Committee) *withdrawn*.

Clause *agreed to*.

LORD CASTLETOWN moved, as an Amendment, after Clause 7 to insert the following:—

"The Land Commission may make an advance to a tenant who is purchasing his holding of the whole principal sum or price payable by the tenant, without requiring the repayment of the advance to be secured by a guarantee deposit, if the Land Commission are satisfied that the security is reasonably sufficient without such deposit."

He thought it was a perfectly legitimate demand to ask the Government to advance the whole of the purchase-money on the terms provided in the proposed clause, as the owner or occupier might have all his capital invested in the holding, and might be unable to deposit the one-fifth of the price required by the Act of 1885. He had great pleasure in bearing high testimony to the regular and honourable manner in which loans were paid in instalments by Irish borrowers, and would refer to Mr. Henry Fowler, late Secretary to the Treasury, who had declared that he was perfectly astonished at the regularity with which the loans and interest had been paid, and which would compare favourably with the way in which loans were paid in any other portion of the Empire. What he (Lord Castletown) proposed was that they should assent to the whole loans where there was ample security.

Amendment *moved*,

In page 5, after Clause 7, insert following clause;—"The Land Commission may make an advance to a tenant who is purchasing his holding of the whole principal sum or price payable by the tenant, without requiring the repayment of the advance to be secured by a guarantee deposit, if the Land Commission are satisfied that the security is reasonably sufficient without such deposit."—(*The Lord Castletown.*)

THE EARL OF BELMORE said, it had been pointed out to him that the fact of a deposit of one-fifth being required in all cases interfered with the sale of mortgaged estates, because the mortgagees generally wanted their money down. He supported the Amendment.

LORD ASHBOURNE said, he was afraid it was quite impossible to accept the Amendment. In the Act of 1885 various attempts had been made to deal with this very question, and great difficulty was felt as to how the whole of the purchase-money could be advanced in safety. It was thought one-fifth was required as security. No such arrangement as that proposed in the Amendment could be made without the serious examination of it by the Treasury.

Amendment (by leave of the Committee) *withdrawn.*

Clause 8 (Trust funds may be applied as a guarantee deposit) *agreed to.*

Clause 9 (Duty of Land Commission with respect to enforcement of arrears) *agreed to,* with Amendments.

Clause 10 (Expediting proceedings on sales) *agreed to,* with Amendments.

Clause 11 (Crown rents, quit rents, and tithe rent charge).

LORD MONTEAGLE, in moving as an Amendment to insert after "quit rent" the words "head rent," said, that difficulties had arisen in dealing with the owners of head rents in many instances, and he had known cases where the sale of land had been stopped through the owner of the head rent refusing to sell on any terms whatever, while, in other cases, a practically prohibitive price had been demanded, which came to the same thing. That was a serious matter, deserving the attention of the House and the Government; and he thought that something ought to be done to carry further the principle they had adopted in regard to that question.

Amendment *moved,* in page 7, line 16, after ("quit rent") insert ("head rent.")—(*The Lord Monteagle.*)

LORD ASHBOURNE said, that that question had been very fully considered and discussed in connection with the Land Purchase Act of 1885, and many representations were made on the subject. The people who were not owners of head rents were willing that they should be sub-divided; but those who owned head rents objected to it very much, urging that it would enormously diminish the value of their property, if, for example, a head rent of £100 or £200, payable at present by one person, were made payable by a large number of persons, which would necessitate the employment of an agent for the purpose. It was, therefore, said that it would be unjust to fritter away in that manner the property of the owners of head rents who were in the possession of a secure income without any trouble to themselves. Under all the circumstances, although he quite recognized and sympathized with the object in view, he feared it was not practicable to deal with the matter in the way now suggested.

THE EARL OF BELMORE had come to the conclusion, having given a good deal of attention to the matter, that it would be necessary to introduce compulsory sale of head rents on fair terms.

EARL SPENCER said, he feared that as long as those head rents existed it would be almost impossible to get a satisfactory system of purchase of land by the occupier, and if the noble and learned Lord opposite (Lord Ashbourne) could remove that particular difficulty, much would be done to facilitate the working of such a system in Ireland.

Amendment (by leave of the Committee) *withdrawn.*

On the Motion of THE LORD PRIVY SEAL (Earl Cadogan) the following Amendments made:—In lines 16, 18, and 24, after ("rent charge") insert ("Land Improvement Charge").

LORD CASTLETOWN proposed an Amendment for the purpose of providing that when any holding sold to a tenant under the Land Law (Ireland) Acts was subject with other lands to any Crown rent, quit rent, tithe rent charge, drainage charge, "terminable annuity or rent charge," the Land Commission may apportion such rent or charge between the holding and the other land in such manner as seemed to them equitable.

Amendment *moved*,

In page 7, line 16, leave out ("or") and in same line after ("drainage charge") insert ("terminable annuity or rent charge.")—*The Lord Castletown.*)

LORD ASHBOURNE said, he could not accept the Amendment, because it would interfere with private rights. He would, however, consider the matter, and communicate with his noble Friend before the Report stage.

Amendment (by leave of the Committee) *withdrawn.*

On the Motion of The LORD PRIVY SEAL (Earl Cadogan) the following Amendment made:—In line 26, at end of line, add as a new sub-section—

"(3.) No such apportionment or redemption of Crown rent shall be made without the previous consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and no such apportionment or redemption of tithe rentcharge payable to the Land Commission, or of Land Improvement Charge or of drainage charge payable to the Commissioners of Public Works, shall be made without the previous consent of the Commissioners of the Treasury.

"For the purpose of this section, the Commissioners of the Treasury may from time to time make rules for regulating the mode of giving consents, and the terms upon which consents shall be given."

Amendment *moved*, to add at end of Clause the following sub-section:—

"The Land Commission may, if they think it expedient, order the redemption of any head rent, or any apportioned part thereof, at a price to be fixed by arbitration in the manner provided by the Lands Clauses Consolidation Acts."

LORD ASHBOURNE said, he would consider the question, with the object of seeing what could be done at a later stage, and must, therefore, ask the noble Lord not to press the Amendment on that occasion.

LORD MONTEAGLE said, he would not press his Amendment at that stage.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

Clause 12 (Limit on the amount of advance by the Land Commission); and Clause 13 (Charging order for securing repayment of an advance), separately *agreed to.*

Clause 14 (Priority of charge for advance) *struck out* of the Bill.

Clause 15 (Writ of possession) *agreed to.*

Clause 16 (Specific performance).

On the Motion of The LORD CASTLETOWN, the following Amendment made:—In page 8, line 22, after ("when") insert ("either before or after the passing of this Act"), and in same line leave out ("is") and insert ("has been").

THE EARL OF MILLTOWN proposed to add to the clause words providing that when the Land Commission refuse to sanction a sale agreed upon by the landlord and tenant, they shall, upon the application of either landlord or tenant, state the grounds upon which such refusal is based. He held that this was only reasonable and just, and that it was perfectly monstrous that two gentlemen should be allowed to upset the working of the Land Purchase Act without giving any reason whatever.

Amendment *moved*,

In page 8, line 32, after ("Commission") add—("When the Land Commission refuse to sanction such sale as aforesaid, they shall, upon the application of either landlord or tenant, state the grounds upon which such refusal is based.")—(*The Earl of Milltown.*)

LORD ASHBOURNE said, it was impossible for the Government to accept the Amendment.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

LORD MONTEAGLE, in moving to insert after Clause 16 a clause providing that upon the completion of any sale under the Land Law (Ireland) Acts, or the Purchase of Land (Ireland) Act, 1885, the title to each holding, as well as deeds, mortgages, and other charges affecting it, should be recorded in the office of the Land Commission, and not in the Registry of Deeds, and that the Land Commission should make rules and prescribe forms for the purpose of carrying this provision into effect, contended that it was in the interest both of those who were to be the purchasers and of the vendor that the security should be as good as possible. In his opinion, this was a singularly favourable opportunity for providing machinery for the registering of land which was purchased.

Amendment *moved*, after Clause 16, page 8, insert the following Clause:—

"(1.) Upon the completion of any sale under the Land Law (Ireland) Acts, or the Purchase of Land (Ireland) Act, 1885, the title to each holding shall be recorded in the office of the Land Commission, in such manner and form as the Land Commission shall prescribe.

"(2.) The vesting order or conveyance transferring such holding shall not be registered in the Registry of Deeds, but in lieu thereof a memorandum stating that each vesting order or conveyance has been made and recorded, shall be lodged by the Land Commission in the Registry of Deeds, and shall be registered therein.

"(3.) From and after the recording of any such title to a holding as aforesaid, the operation of the statutes relating to the Registry of Deeds in Ireland shall, as from the date of such recording and with respect to any subsequent dealings with such holding by way of transfer or charge or otherwise howsoever, cease to be applicable thereto.

"(4.) All transfers and mortgages of any holding so recorded, and all charges, incumbrances, bonds, writings, deeds, and things whatsoever which may commence to affect such holdings after the recording of the title thereto, shall be recorded in the office of the Land Commission, and shall not be registered either in the Registry of Deeds or in the Registry of Judgments.

"(5.) All such transfers, mortgages, charges, incumbrances, bonds, writings, deeds, and things, shall, as between themselves, take priority according to the date at which they are recorded.

"(6.) The Land Commission shall make rules and prescribe forms for the purpose of carrying into effect the provisions of this section."—(*The Lord Monteagle.*)

Lord CASTLETOWN said, he hoped that the noble and learned Lord opposite (Lord Ashbourne) would make such arrangements with the Land Commissioners as would enable them to register the transfer of holdings, so that in future any holding could be easily traced.

Lord ASHBOURNE said, that this was a matter which required close and nice consideration, on account of the question of priorities which was introduced by the section. He could not interfere with the arrangements of the Land Commissioners; but he would consider the question and would apply to those upon whom it was sought to cast the administration of this matter. The proposed clause, he thought, was not workable.

Lord THRING said, he thought that it was desirable, in the interest of both tenant and landlord, that there should be a system of registry of title. He could not see that there was the slightest difficulty in the way.

Lord HERSCHELL said, he did not know how it could be given effect to; but the object which the noble Lord (Lord Monteagle) sought to obtain by this Amendment was one of the utmost importance. The noble and learned Lord (Lord Ashbourne) had said that he would obtain the opinion of the Land Commission upon it; and he (Lord Herschell) would admit that it was necessary that the noble and learned Lord opposite should consult with those whose business it was to administer the Act; but, as that body might naturally see with an exaggerating eye the difficulties that might arise, he hoped at the same time that the noble and learned Lord would exercise his own independent judgment in the matter.

Lord FITZGERALD said, that a system of registration must be compulsory to be of any effect, and he thought that this was a good opportunity for establishing it.

Amendment (by leave of the Committee) *withdrawn.*

Appeals.

Clause 17 (Provision for hearing of appeals under the Land Act).

Earl SPENCER said, that it might be convenient if he made some general remarks upon the clause before they came to the Amendments which were upon the Paper. The Government were strengthening the Appeal Courts of the Land Commission, with the view, presumably, of meeting the amount of work that would come before it if this Bill became law. At the present moment he understood that the arrears pending before the Commission numbered only 3,000, and he expected that the Commission would shortly reduce them. He further understood that a certain arrangement with regard to three months' notice would still further clear the list of a great many cases. He would like to hear the views of the Government with regard to this matter. He thought that the clause as it stood left a great deal too much to the discretion of the Irish Government. It practically left it to the Lord Lieutenant to constitute two Courts for the purpose of hearing appeals. If he was not mistaken, he believed that under the Act of 1881 it was necessary that the Courts of Appeal should consist of three persons, and he imagined that it was the intention of the Government now that the Courts should be so constituted. In his opinion the

Lord Lieutenant had too much power thrown upon him. Judges of the High Court could be introduced for the purpose of carrying out the Act; and if the Lord Lieutenant were given the powers which it was proposed to confer upon him, he might even make one of them preside over the Court. He did not suppose, however, that that was the intention of the Government. The Court had originally consisted of Mr. Justice O'Hagan, Mr. Vernon — whose death they all deplored, and who had done such admirable service—and Mr. Litton. Mr. Litton had now been engaged for many years as one of the Chief Commissioners, and it would be unfair that he should be liable to be superseded in the Presidency of the second Court. With his great experience and legal knowledge it would be far better that he should preside in a second Court of Appeal than that even a Judge of the High Court should do so. Then the clause provided that the Lord Lieutenant might nominate a County Court Judge to be a member of the Court to hear appeals. There were County Court Judges and County Court Judges, and it would be well if the names of the County Court Judges eligible to be so nominated were put into the Bill. He reserved his right to move Amendments to this clause on the Report.

LORD ASHBOURNE said, that one of the complaints about the administration of the Land Act of 1881 had been the delay in the hearing of appeals, which was often as long as three years. There were now as many as 3,000 or 4,000 appeals waiting to be heard, and, therefore, it was deemed advisable to take powers in this Bill for constituting, if necessary, a second Court of Appeal to expedite their hearing. Mr. Justice O'Hagan would naturally preside in one Court, and the Judge of the High Court, who would be called upon to assist, would naturally preside over the second, and would, of course, take precedence of Mr. Litton. With regard to the County Court Judges, he could not agree that it would be well to name them in the Bill. The Bill was constructed, not on the basis of creating new officers at great expense, or to provide a new and continuous Appellate Division, but to give power to the Executive, from time to time, to make the appointments when the necessity arose for them. He thought the clause was one that was likely to work fairly and satisfactorily.

LORD HERSCHELL asked, whether a County Court Judge called in to assist would take precedence of Mr. Commissioner Litton?

LORD ASHBOURNE said, he had not considered that delicate point; but he felt inclined to think that Mr. Litton would have precedence over a County Court Judge.

THE EARL OF ERNE proposed, as an Amendment, that the additional members of the Land Commission to be appointed should be laymen, and not lawyers. There was, he thought, an undue proportion of lawyers upon it.

THE MARQUESS OF SALISBURY stated that they did not propose that the County Court Judges selected to administer the Act should be County Court Judges and Land Commissioners too. Somebody else would be appointed for the time to do their County Court work.

LORD ASHBOURNE said, he would point out that the constitution of the Land Commission would have to be considered in August, 1888; and if they did not appoint officials who had already posts which gave them permanence of tenure, they must supply their places by men who would only be employed for a few months. That was not desirable. Her Majesty's Government did not suggest that they would have permanent work; but they might be occasionally required to assist in the Commission to keep down arrears.

EARL CADOGAN said, he could not accept the Amendment. The Land Commission would by effluxion of time come to an end next year, and it would then have to be reconstituted. It would not be well to anticipate that now.

Amendment (by leave of the Committee) *withdrawn.*

THE EARL OF ERNE moved an Amendment, with the object of excluding County Court Judges from service upon the divisions of the Land Commission to be hereafter constituted. He did not for a moment doubt the capacity of the County Court Judges to fulfil the duties which the clause would impose upon them, but he thought that they were already sufficiently burdened with work.

VISCOUNT DE VESCI supported the Amendment.

THE MARQUESS OF SALISBURY pointed out that the County Court Judges who were appointed Land Commissioners would not have to discharge their ordinary duties, some other official being appointed to do the work. Consequently, the argument that they would be over-burdened fell to the ground.

LORD ASHBOURNE said, that the tribunal must be composed somehow. The precedent followed by the Government in this case was drawn from a Bill drafted three years ago, when Sir George Trevelyan was Chief Secretary for Ireland. It was not thought desirable to fill the tribunal with officials who did not hold permanent appointments. The Land Commission must be reconstituted before August, 1888, and during the interval it would be well to take advantage of the services of men of experience, whose tenure of office was durable. If the County Court Judges were excluded from the appellate tribunal, it would be difficult, if not impossible, to find other permanent officials equally well fitted to discharge the functions of that Court. Besides, they would only serve in case their assistance was needed to keep down appeals.

EARL SPENCER said, he still maintained that it would be much better to specify accurately the constitution of the Court in the Bill than to leave it for settlement by the Lord Lieutenant. He hoped that the noble and learned Lord would consent to name the County Court Judges who would be appointed. He also thought that power should be given to the Lord Chancellor to direct any Judge appointed after the passing of the Act to sit, if necessary, in this Court of Appeal on land cases.

Amendment *negatived.*

Clause *agreed to.*

Clause 18 (Remuneration of County Court Judge).

Clause 19 (Procedure on appeals).

LORD CASTLETOWN (for Lord SUDELEY), in moving to insert words providing that the independent valuer shall, in all cases, report to the Commissioners his opinion as to the amount of the judicial rent of the holding, and the basis on which he has arrived at such opinion; and shall accompany his Report with an Ordnance map of the holding, and a statement of such facts and circumstances as may be required for the purpose of enabling the Land Commission to form a judgment as to the subject-matter of such Report; and, further, that the appointment of valuers shall be vested in the Lord Lieutenant, such valuers to be sworn in the same manner as Judges of the High Court of Justice are sworn, said, he believed that would be a very useful provision, and that it would result in producing a valuable history of the holding.

Amendment *moved,*

To add at the end of clause—"Such valuer shall in all cases report to the Commissioners his opinion as to the amount of the judicial rent of the holding, and the basis on which he has arrived at such opinion; and shall accompany his report with an ordnance map of the holding and a statement of such facts and circumstances as may be required for the purpose of enabling the Land Commission to form a judgment as to the subject-matter of such report. Every such report shall be filed, and may be inspected by the parties, a reasonable time before the sitting of the Land Commission, or the Division thereof which is to hear the appeal, or re-hear the case to which such report refers; and any party shall be entitled to an office or certified copy thereof on payment of such reasonable charge as shall be prescribed.

"The power of appointing valuers under the Land Law (Ireland) Act, 1881, and this Act, is hereby vested in the Lord Lieutenant, who shall, on the requisition of the Land Commission, exercise the same; and every commissioner, sub-commissioner, and valuer appointed after the passing of this Act, shall be sworn in the same manner as judges in the High Court of Justice are now by law required to be sworn."—(*The Lord Castletown.*)

EARL CADOGAN said, he was under the impression that the object desired could be attained by rules; but he should accept the Amendment with certain alterations as to phraseology, which he should be prepared to state on Report.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Remission of Local Rates.

Clause 20 (Remission of local rates).

On the Motion of The LORD PRIVY SEAL (Earl Cadogan) the following Amendment made:—

"(4.) Where any poor rate is remitted under this section in respect of land let at a rent, the third section of the Act of the Session of the sixth and seventh years of the reign of Her present Majesty, chapter 92, shall apply."

On the Motion of The Lord MONTEAGLE, the following Amendment made:—

("5.) No poor-rate collector or barony constable shall be required to pay under his warrant any rate or cess which has been remitted by an order under this section."

Clause, as amended, *agreed to.*

Lord FITZGERALD said, that at that point (11.30) he must appeal to the noble Marquess at the head of the Government to allow the further consideration of the clauses of the Bill in Committee to be now adjourned.

The Marquess of SALISBURY said, he did not propose that they should have an All-night Sitting on their Bill; but he would now consent to report Progress, and desired to proceed again with the discussion in Committee to-morrow. With regard to an adjournment for the further consideration of the Bill, as had been hinted at in some quarters, over the Whitsun holidays, he did not think that, if such an adjournment took place, it would make much difference. This Bill depended upon the measure in the other House, and at present the sister Bill was not making much progress. They did not propose to send this Bill to the other House until the other measure was safe from its dangers there. There was no absolute pressure for their speed.

The Earl of MILLTOWN said, he hoped the noble Marquess would see his way to go on with the Bill after the holidays. The amended clauses were of vital importance, and their Lordships had no time to consider Amendments. They could not possibly do it before the holidays.

Lord FITZGERALD said, he had a very important Amendment to propose on Clause 21, the object of which was to render the Bankruptcy Clauses wholly unnecessary.

The Marquess of SALISBURY said, that if their Lordships did not take the Bill up to-morrow its consideration must be put off until after Whitsuntide. The Lord Chancellor of Ireland had business to transact in Ireland, and Friday was the only other day conveniently at their disposal. On the whole, therefore, he thought it would be better to go on, and the Bill would be put down for to-morrow (Tuesday), when, if their Lordships should still be of opinion that there had not been sufficient opportunity for considering the important Clauses 21, 22, and 23, which followed the point at which they had adjourned, the Government would consent either to adjourn the further progress of the Bill until after Whitsun, or would have the measure re-committed in regard to those particular clauses.

House resumed; House to be again in Committee *To-morrow.*

JUBILEE SERVICE IN WESTMINSTER ABBEY.

Moved, "That a Select Committee be appointed for the purpose of arranging the distribution of tickets of admission to be given to Peers on the occasion of the Jubilee Thanksgiving Service to be held in Westminster Abbey on 21st June."—(*The Lord Chamberlain.*)

Motion *agreed to.*

House adjourned at half past Eleven o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 16th May, 1887.

MINUTES.] — Select Committee — Forest School, *appointed.*

Supply—*considered in Committee*—Army Estimates; Civil Service Estimates; £3,830,300, on Account—Class I.—Public Works and Buildings; Class II.—Salaries and Expenses of Civil Departments; Class III. —Law and Justice; Class IV.—Education, Science, and Art; Class V.—Foreign and Colonial Services; Class VI.—Non-Effective and Charitable Services; Class VII. —Miscellaneous; Revenue Departments

Public Bills — *Ordered* — *First Reading* — National Debt and Local Loans * [266].

First Reading—Railway and Canal Traffic * [265].

Second Reading—Trusts (Scotland) Act (1867) Amendment [225]; East India Stock Conversion * [263]; Parish Allotments Committees [170], *debate adjourned;* Open Spaces (Dublin) [80].

Provisional Order Bill — *Third Reading* — Pier and Harbour * [222], and *passed.*

QUESTIONS.

LAW AND JUSTICE (ENGLAND AND WALES)—QUARTER SESSIONS AND ASSIZES.

Mr. SHIRLEY (Yorkshire, W.R., Doncaster) asked Mr. Attorney General, Whether he will take steps to prevent ordinary Quarter Sessions cases from being tried at the Assizes; and, if he will explain on what principle or system counsel are selected to conduct Treasury prosecutions at Quarter Sessions and Assizes?

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight), in reply, said, he had no power to prevent ordinary Sessions cases being taken at Assizes. The Government intended to introduce a Bill on the subject; but the present state of Public Business made it extremely improbable that they would be able to do so at an early date. The selection of counsel to conduct Treasury prosecutions rested with the Attorney General.

BOARD OF NATIONAL EDUCATION (IRELAND)—ANNADOWN NATIONAL SCHOOL, CO. DOWN.

MR. KER (Down, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Board of National Education (Ireland) has refused to approve of the appointment of a monitor for the Annadown National School, County Down, which has an average attendance for the last year far in excess of that required by the Rules of the Board, and that the master has generally between 40 and 60 pupils to attend to without any assistance?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Board of National Education stated they were obliged to refuse their sanction to this appointment, amongst others, owing to the temporary excess of pupils. The 1st of July in each year was the day fixed for sanctioning new appointments of monitors. Any representation then made by Inspectors would be fully considered by the Commissioners.

BOARD OF NATIONAL EDUCATION (IRELAND)—AUGHIOGAN NATIONAL SCHOOL, CO. TYRONE—THE "WORKMISTRESS."

MR. M. J. KENNY (Tyrone, Mid) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will state the grounds upon which the Board of National Education made an Order, dated 1st February, 1887, altering the status of the workmistress of the Aughiogan National School, County Tyrone, by making her position that of "temporary workmistress;" and, whether the average attendance, which regulates the status of such teachers, warranted the alteration referred to?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, it appeared that the manager of this school appointed a female temporary assistant, and afterwards appointed a workmistress. The Board of National Education could not, therefore, under their rules, pay the salary of a workmistress and a female temporary assistant at the same time; but to meet the case they decided to grant a salary to a temporary female assistant if the average attendance was 170 children, and a salary of workmistress if the average attendance reached 200 children.

BOARD OF NATIONAL EDUCATION (IRELAND)—MILLTOWN NATIONAL SCHOOL, CO. TYRONE.

MR. M. J. KENNY (Tyrone, Mid) asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is usual to compel workmistresses, who have been already recognized as such by the Board of National Education, to submit to re-examination in certain branches of the subject which they teach, and upon what grounds the Commissioners of Education have ordered a further examination of Miss Daly, of the Milltown National School, County Tyrone, in view of the fact that her appointment has been already ratified by the Education Board?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, it was not usual, except in special cases, to compel workmistresses to be re-examined. In the case referred to, the Commissioners of National Education reported that Miss Daly was merely examined in one branch in which she had not previously obtained a place in her examination.

TRAMWAYS (IRELAND)—LINE BETWEEN SCHULL AND SKIBBEREEN.

MR. GILHOOLY (Cork, W.) asked the Secretary to the Treasury, Whether it is a fact that the line of tramway between Schull and Skibbereen has become a complete failure, owing to the manner in which it has been constructed; and, whether, considering the fact that a Government Engineer has certified that the line has been properly made, the Treasury will come to the relief of the ratepayers, who are liable for the money advanced for the promotion of the scheme?

The SECRETARY to the BOARD of TRADE (Baron Henry De Worms) (Liverpool, East Toxteth) (who replied) said: An Inspecting Officer of the Board of Trade reported that the Schull and Skibbereen Tramway and Light Railway was fit for public traffic; and in September last a certificate to this effect was issued, the speed of trains being limited to a low rate over certain parts of the line. It is now understood that the traffic has been stopped, owing to the failure of the engines employed. But, in consequence of representations made by 20 ratepayers of the district to the Board of Trade, orders have been given that an inquiry shall be held, at an early date, under the provisions of the 45th section of the Order in Council, which authorized the construction of the tramway.

ASYLUMS (IRELAND) — MONAGHAN DISTRICT LUNATIC ASYLUM.

Mr. P. O'BRIEN (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that Her Majesty's Inspectors of Asylums for the Poor in Ireland, in their Annual Report, dated March 9, 1886, of the Monaghan District Lunatic Asylum, state—

> "The ceilings in many parts of the establishment require repair, and some of the corridors on the ground would be improved if boarded, as the female patients undress in them previous to going to bed. This the resident physician will have attended to by bringing the subject before the Board at their next meeting.
>
> "With reference to waterclosets and means of personal ablution, much improvement is requisite which, I think, will be fully carried out before the existing building contract will have terminated;"

whether the dividing walls between the several departments are not carried up to the roof, as is required in all public institutions in England, as a check on the spread of fire; whether diphtheria has recently broken out in the asylum; whether the resident medical officer and Visiting Committee have frequently urged the Board to carry out the Inspector's recommendations; whether it is a fact that these alterations have not yet been made; and, will he take steps to compel the Board of Governors to carry out the Inspector's recommendations without further delay?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: Arrangements are being made to have the necessary improvements carried out at the Monaghan District Lunatic Asylum. Diphtheria has not, it appears, recently broken out; and one of the Inspectors who visited the asylum towards the end of last March found the sanitary condition of the patients so satisfactory that only four out of the entire number of 485 were confined to bed.

ROADS AND BRIDGES (IRELAND)—DERRY BRIDGE COMMISSIONERS.

Mr. JUSTIN M'CARTHY (Londonderry City) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Act under which the Derry Bridge Commissioners are appointed gives them the exclusive right of ferryage across the River Foyle, at Derry?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, that this Question related to the interpretation of an Act of Parliament; and, therefore, the hon. Member would see that the Irish Government could hardly give an answer to it.

EVICTIONS (IRELAND)—MONAGHAN UNION—NOTICE TO GUARDIANS.

Mr. P. O'BRIEN (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that Miss Gertrude Rose, Mr. Dacre Hamilton, and Colonel Forster, landlords within the Monaghan Union, have notified the Guardians of their intention of evicting 65 families, their tenants, forthwith; whether it is true that two large wings of the workhouse at Monaghan are at present occupied by the Monaghan Militia, assembled for their annual training; whether, in consequence, the Guardians will be unable to provide accommodation for these tenants if evicted; and, whether, under the circumstances, the Government will refuse to give any assistance in carrying out these evictions until the Militia are disbanded, and the Guardians are thus enabled to provide shelter for them?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: It appears that the landlords named have served the relieving officer with notices of eviction in the case of 61 families. The two wings of the workhouse are at present occupied by the Monaghan Militia, but will be vacated by them on the 28th instant. The Guardians of the Union report that there is ample accommodation for these tenants in the workhouse, independent of the portions temporarily occupied by the Militia, should there be a great influx of paupers through the carrying out of the evictions. The Guardians, however, do not seem to anticipate that such an influx will result from the evictions.

LABOURERS' ACTS (IRELAND)—THE RETURN.

MR. W. J. CORBET (Wicklow, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, When the Return showing the working of the Labourers' Acts (Ireland), ordered on 5th April, 1887, will be laid upon the Table?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The information required for this Return is being obtained from the Clerks of Unions. Some of the clerks have not yet supplied it, and the statement of several have been returned for explanation. It is not possible to say at present when the Return will be ready to lay upon the Table; but no time shall be lost in preparing it.

EDUCATION DEPARTMENT—CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN — HOLIDAY IN ELEMENTARY SCHOOLS.

MR. STANLEY LEIGHTON (Shropshire, Oswestry) asked the Vice President of the Committee of Council on Education, Whether he will consider the propriety of permitting that when the 50th anniversary of the Accession to the Crown of Her Gracious Majesty shall be celebrated in any elementary schools by a whole holiday, the scholars shall, in the interest of the teachers and of themselves, have credit for two attendances, in the same way as two attendances are credited to scholars when an elementary school is used for election purposes?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): The two attendances to which my hon. Friend refers are credited to scholars by a special provision of the Code to meet the case of a compulsory closing of a school under the Ballot Act; but, glad as I should be to meet the wishes of those who desire to celebrate the Jubilee in the way suggested, I am advised that the Department have no power in the matter, and that the holiday must be given under the usual conditions.

POOR LAW (IRELAND)—JOSEPH WATT, RELIEVING OFFICER OF THE BELFAST UNION.

MR. LEAHY (Kildare, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that owing to the reported drunkenness and neglect of duty of Joseph Watt, one of the relieving officers of the Belfast Union, at a meeting held on the 3rd May, 1887, the Guardians decided and directed that Watt's conduct for the ensuing week should be closely watched to see if any improvement would set in, and that as the result Watt was drunk, to the knowledge of several officers of the Union and others, and did not attend to the Barrack Street Dispensary for several days; is he aware that Watt's conduct was brought home to the knowledge of a large Board of the Guardians on the 10th May, 1887, and that his services are still retained without admonition or reproof; and, what action does the Local Government Board intend to take in the matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, he had already stated twice, he thought, in reply to Questions on this subject, that this relieving officer was obliged to retire from the meeting of the Board on the 3rd instant owing to illness. The Guardians on the day in question did not give any instructions that Watt should be watched to ascertain whether he was intoxicated. His non-attendance, reported due to illness, was confirmed by a medical certificate, which was laid before the Guardians at their meeting on the 10th instant. The

Local Government Board did not see any ground at the present moment for action on their part.

PRISONS (IRELAND) — ASSAULT ON WARDER M'CONNELL IN MOUNTJOY PRISON.

MR. MAURICE HEALY (Cork) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the facts connected with the assault committed on warder M'Connell in Mountjoy Prison on the 9th instant by two convicts; whether it is the fact, as stated in the public Press, that the warder's life was saved by the intervention of another convict named Tansey, who interfered to protect him; and, whether it is proposed to recognize Tansey's action in the matter by the remission of his sentence, or otherwise?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The assault committed upon three warders on the occasion referred to forms the subject of an inquiry on oath, which has been adjourned, owing to the life of one of the warders being not yet out of danger. Pending the result of this inquiry, the Irish Government are unable to make any further statement in the matter.

THE TRUCK ACTS—VIOLATION OF THEIR PROVISIONS.

MR. BARBOUR (Paisley) asked the Lord Advocate, If his attention has been called to *The Paisley Daily Express* of the 4th and 6th instant, in which are alleged what appear to be breaches of the Truck Acts, by the contractors for the improvement of the River Cart; if he has taken steps to ascertain the truth, or otherwise, of these statements; and, if true, what steps are being taken for the enforcement of the law?

THE SOLICITOR GENERAL FOR SCOTLAND (Mr. J. P. B. ROBERTSON) (Bute) (who replied) said, the Lord Advocate's attention had been called to the matter, and an inquiry had been made. There was no doubt that proceedings such as those to which the Question referred constituted a distinct breach of the Truck Acts if done by an employer to whose business the Act applied; but the work in question did not fall within the present limited scope of the Acts, and it was, therefore, impossible to interfere.

POST OFFICE—PRIVATE AND OFFICIAL POST-CARDS.

MR. RANKIN (Herefordshire, Leominster) asked the Postmaster General, Whether his attention has been called to an issue of white post cards supplied by Fullford, Printers, at King's Cross, for 6½*d.* per dozen; and, whether, if such a price is remunerative, he will consider the question of reducing the prices of the post cards supplied by the Post Office, which are respectively 7*d.* and 8*d.* per dozen for the yellow and white post cards?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): The cards to which the hon. Member refers are not those issued by the Post Office, but are private post-cards, allowed, under certain conditions, to be stamped at Somerset House. I cannot say precisely how it is that the stationer named undertakes to sell these cards at so low a price; but possibly it may be because they bear an advertisement. As has been more than once explained to the House, the Post Office is not at present in a position to reduce the price of the official post-cards. I extremely regret to say that, as a matter of fact, the contract has yet some time to run.

INLAND REVENUE DEPARTMENT—COLLECTIONS AT LIVERPOOL, COLCHESTER, AND CORK.

MR. DEASY (Mayo, W.) asked the Secretary to the Treasury, When will appointments be made to collections of Inland Revenue now vacant at Liverpool, Colchester, and Cork; and, will the third class Collectors of Inland Revenue, whose promotions have been deferred by the non-filling of these vacancies, be compensated for their monetary loss in not receiving their promotions?

THE SECRETARY (Mr. JACKSON) (Leeds, N.), in reply, said, that appointments had been made to collections of Inland Revenue at Liverpool, Colchester, and Cork. The third-class Collectors of Inland Revenue, whose promotions had been deferred by the non-filling of those vacancies, will not be compensated for their monetary loss in not receiving their promotions.

FRANCE—THE PARIS EXHIBITION IN 1889.

Mr. LABOUCHERE (Northampton) asked the Under Secretary of State for Foreign Affairs, Whether the statement that has appeared in the newspapers is correct, that Her Majesty's Government has declined to take part officially in the French Exhibition of 1889; and, whether, if the statement be correct, it is intended that henceforward Her Majesty's Government shall take no official part in any Foreign Exhibitions, or that there are special grounds for the refusal in this particular case?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): I informed the House last Thursday that Her Majesty's Government has declined to take part officially in the French Exhibition of 1889. No such inference as the hon. Member suggests is to be drawn from that fact. In the present case, the date of the proposed Exhibition has been fixed so as to synchronize with the Centenary of, and to commemorate, the French Revolution. It does not appear to Her Majesty's Government appropriate to join officially in celebrating political events in a foreign country, where differences of opinion exist regarding them.

ADMIRALTY—POLICE FINE ON A NAVAL LIEUTENANT.

Mr. CUNNINGHAME GRAHAM (Lanark, N.W.) asked the First Lord of the Admiralty, If the attention of Her Majesty's Government has been directed to the fact that a Naval Lieutenant has been fined in a Portsmouth Police Court for a common assault; and, what steps Her Majesty's Government propose to take in the matter?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): A Naval Lieutenant has been fined for a common assault. It appears that when out riding he came into collision with a cart, and in a moment of irritation hit the driver with his riding whip. The officer apologized for the transaction, and has been fined; and the Commander-in-Chief has expressed his disapproval of his conduct. I do not propose to take any further action in the matter.

ARMY (ORDNANCE DEPARTMENT)—CAPTAIN HORTON, INSPECTOR OF SADDLERY AT WOOLWICH.

Colonel HUGHES-HALLETT (Rochester) asked the Surveyor General of the Ordnance, Whether Captain Horton, Riding Master of the 4th Dragoon Guards, who has just been appointed Inspector of Saddlery at Woolwich, is still on the active list of his regiment; and, whether, as his service is only 26 years, 315 days, or thereabouts, he is entitled, under Article 92 of Royal Warrant of 31st December, 1886, to retirement and full pension of his rank, having attained neither the required age nor length of service?

The SURVEYOR GENERAL (Mr. Northcote) (Exeter): Captain Horton is at present temporarily employed as Inspector of Saddlery, and is still on the active list of his regiment. Captain Horton will be entitled to retire on the pension earned by 20 years' service in November next.

TITHES—DISTRAINT FOR NON-PAYMENT, SHINFORD, BERKS.

Sir THOMAS GROVE (Wilts, Wilton) asked the Secretary of State for the Home Department, Whether his attention has been drawn to the fact, as reported in *The Mark Lane Express* of 9th May, that a distraint for tithes was carried out, on Monday 2nd instant, at Shinford, Berks, by order of the Dean and Chapter of Hereford, on property belonging to the Reverend B. Body, of Eldon House, Reading, and that, in consequence of a large cattle fair being held on the same day in the immediate neighbourhood, a rick of hay, valued at £70, was sold for £51, to the great loss of Mr. Body; whether it is lawful to distrain for tithe, as in this case, on the Monday, the notice for such distraint having only been given, by advertisement in the local newspapers, on the Saturday previous; and, whether, the notice being one only of one day, the distraint is invalid?

The UNDER SECRETARY of STATE (Mr. Stuart-Wortley) (Sheffield, Hallam) (who replied) said: The Secretary of State is in communication with the Dean and Chapter as to the facts quoted; but as yet there has not been time to receive a reply. The Secretary of State must decline to give an opinion as to the legality of the proceedings. If the person distrained upon feels aggrieved, he has his remedy at law.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—H.R.H. THE DUKE OF EDINBURGH.

Sir JOHN SWINBURNE (Staffordshire, Lichfield) asked the First Lord of the Admiralty, Whether, in pursuance of the arrangements made in respect of His Royal Highness the Duke of Connaught, it is also contemplated that His Royal Highness the Commander in Chief of the Mediterranean Fleet, the Duke of Edinburgh, shall receive leave of absence from his post in order to be present at Her Majesty's Jubilee; whether there is any precedent for the Commander in Chief of this Fleet being allowed to come on leave; whether any steps will be taken to show the exceptional nature of the proposed action in this case; and, for how long a period leave will be granted?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): I have given leave to His Royal Highness the Duke of Edinburgh to come home and be present at Her Majesty's Jubilee, and arrangements have been made to carry out that object. The arrangement is in accordance with precedent; and the exceptional nature of the occasion so speaks for itself as to render it unnecessary to issue any special order on the subject. The Duke will be absent from his command about 10 days.

Mr. LABOUCHERE (Northampton): Will the noble Lord be kind enough to say whether the Duke's pay and emoluments are to go on?

Lord GEORGE HAMILTON: No.

ARMY (AUXILIARY FORCES)—RETIRED SERGEANTS OF VOLUNTEERS.

Mr. RADCLIFFE COOKE (Newington, W.) asked the Secretary of State for War, Whether it is intended that Sergeants of Volunteers, if recommended by their Commanding Officers, should, on retirement after 10 years' service, be permitted to retain their rank and wear their uniform; and, if so, when an official communication to this effect will be made to officers commanding Volunteer Corps?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): There will appear in the new edition of Volunteer Regulations, which is now being printed, a Rule authorizing sergeants of Volunteers retiring after 10 years' service, if specially recommended by their Commanding Officers, to retain their rank and wear their sergeants' uniform, with the distinguishing badge which denotes honorary members of the Force.

LAW AND JUSTICE (IRELAND)—MISCARRIAGE OF SUMMONSES.

Mr. MAURICE HEALY (Cork) (for Sir Thomas Esmonde) (Dublin Co., S.) asked the Postmaster General, How it came about that all the summonses to witnesses for the defence in the recent case between Mr. Hazley, the Postmaster of Blackrock, and Mr. Little, which were detained in the Blackrock Post Office, managed to slip into the same newspaper; and, if the newspaper was delivered in the ordinary course of post; and, if so, what is the explanation of the mistake not being discovered in time?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): In answer to the hon. Baronet's further Question, I have to explain that all the subpœnas were in one envelope. The newspaper into which the letter containing them slipped was delivered at its address in the ordinary course on the 14th of April. The letter, however, was not given back from that address till the 16th.

EGYPT — THE NEGOTIATIONS — EVACUATION BY THE BRITISH.

Mr. W. REDMOND (Fermanagh, N.) asked the Under Secretary of State for Foreign Affairs, Whether it is true that an agreement has been come to with the Porte as to the date of the evacuation of Egypt by the British?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): I can give the hon. Member no other answer than that which I gave him on Friday, when he asked the same Question without Notice.

WAR OFFICE—SKILLED AND ORDINARY WORKMEN AT ENFIELD.

Colonel HUGHES-HALLETT (Rochester) asked the Secretary of State for War, The number of skilled workmen employed at Enfield, as compared with the number of ordinary labourers, and the relative wages received by each class?

The SURVEYOR GENERAL (Mr. NORTHCOTE) (Exeter) (who replied) said: There are 1,284 skilled workmen employed at the Royal Small Arms Factory at Enfield, as compared with 803 ordinary labourers. The wages of the former vary from 5½*d.* to 1*s.* per hour; those of the latter from 4½*d.* to 9*d.*

POOR LAW (ENGLAND AND WALES)—SALARIES OF POOR LAW OFFICERS.

MR. WADDY (Lincolnshire, Brigg) asked the President of the Local Government Board, Whether medical and other officers appointed by Boards of Guardians are officers for life, and whether the salaries paid to them annually are unalterable, except with the consent of such officers, however greatly their duties may be diminished; whether he is aware that in consequence of the great decrease in the number of paupers (amounting in some cases to about one-half) during the last few years, many of those officers are now receiving salaries out of all proportion to the duties they have to perform; and, whether he would be willing to suggest that the Royal Commission on the Civil Service should extend their inquiries to the question of the Salaries of Poor Law Officers; or whether he will, by a clause in the forthcoming County Government Bill or by some other means, empower Boards of Guardians to regulate the salaries of their officers according to the duties required of them?

THE PRESIDENT (Mr. RITCHIE) (Tower Hamlets, St. George's): District medical officers and relieving officers are, speaking generally, appointed for life, subject, of course, to the proper performance of their duties, and their salaries cannot be reduced without their consent. It is not the case that there has been, on the whole, "a great decrease in the number of paupers during the last few years," although, no doubt, in particular instances this has been so. Neither is it the case, in my opinion, that many of these officers are receiving salaries "out of proportion" to the duties they have to perform. I could not undertake to suggest that the Royal Commission on the Civil Service should extend their inquiries to the salaries of Poor Law officers, as this would be entirely beyond the scope of their labours; but the question of the powers which should be possessed by Boards of Guardians with respect to their officers will receive consideration in connection with the County Government Bill.

POST OFFICE (IRELAND)—THE TELEGRAPH OFFICE, DUBLIN.

MR. M'CARTAN (Down, S.) asked the Postmaster General, Whether he is aware that five first-class appointments in the Telegraph Office, Dublin, which were sanctioned by the Treasury several months ago, have not yet been made; whether four similar appointments, caused by vacancies in same office, have yet been carried out; and, whether, considering the delay in declaring the appointments, the clerks promoted will receive "back pay" from the date on which the appointments were sanctioned by the Treasury?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): I am aware that the appointments to which the hon. Member refers have not yet been filled; but I hope now to be able to fill them shortly. Whether the persons upon whom they may be conferred can be allowed to draw the salaries of their new posts from a date anterior to that on which they enter on the duties shall be considered.

SITTINGS AND ADJOURNMENT OF THE HOUSE—THE WHITSUNTIDE RECESS.

MR. ESSLEMONT (Aberdeen, E.) asked the First Lord of the Treasury, Whether, in consideration of the shortness of the Recess at Easter, the Government will inform the House as to the date and probable duration of the adjournment at Whitsuntide?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): Sir, the Government have felt some hesitation in deciding on the proposals to be made to the House as to a Whitsuntide Recess, as, although the holiday at Easter was a very short one, it must be admitted that the condition of Public Business, taken alone, would not warrant the Government in proposing a long adjournment next week; but having regard to the fact that the House has been sitting almost without a break for nearly four months, and the physical exhaustion which incessant and prolonged attendance has produced, not only in Members, but in the officers of the House, we have come to the conclusion that it will probably conduce to the better conduct of Business if we adjourn on Tuesday afternoon, the 24th, after a Morning Sitting, until Monday, the 6th of June; and I may venture to express the confident hope that before the adjournment substantial progress will be made with the urgent Business which is, or will be brought, under the consideration of the House.

Mr. JOHN MORLEY (Newcastle-on-Tyne) asked whether the Criminal Law Amendment (Ireland) Bill would be taken next week?

Mr. W. H. SMITH: I prefer to mention that somewhat later.

CHURCH OF ENGLAND—CONVOCATION OF THE PROVINCE OF CANTERBURY.

Mr. E. ROBERTSON (Dundee) asked the First Lord of the Treasury, If his attention has been called to the following Resolution, said to have been unanimously passed by the Upper House of Convocation of the Province of Canterbury, and to the debate thereon, reported in *The Times* of the 11th May—

> "That the President be requested to apply for the assenting license of the Crown for making a canon to enlarge and re-arrange the representation of the clergy of the Province of Canterbury in Convocation, in conformity with the annexed table. The table is to consist of four columns, detailing respectively the dioceses, the archdeaconries, the number of proctors at present, and the number proposed,"

and to the statement of the proposer of the Resolution that it—

> "Was adopted in order to avoid the interference of a secular Parliament;"

whether it is true, as stated in the course of debate, that there is no precedent for the course proposed; and, whether Government, before granting the application, or assenting to any other course calculated or intended to impair or question the supremacy of Parliament, will give this House an opportunity of considering the subject?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): I have had my attention called to the Resolution to which the hon. and learned Member refers; but, up to the present time, no application of the nature involved in the proposition referred to has been made to the Crown. If it is made, it will receive the serious consideration of Her Majesty's Government; and no course will be taken by the Government which will impair or question the authority of Parliament, as defined and laid down by Statute.

PUBLIC BUSINESS—THE OATHS BILL.

Mr. STANLEY LEIGHTON (Shropshire, Oswestry) asked the First Lord of the Treasury, What course the Government propose to take in respect to a Bill to amend the Law as to Oaths now standing for second reading; and, whether the objects proposed to be attained under the said Bill are not already, to a great extent, provided for by Statute?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): Her Majesty's Government, without denying that there are points in the Oaths Bill which deserve the consideration of Parliament, are unable to concur with the Bill in its present form. The objects proposed to be obtained in the Bill introduced are, to a great extent, provided by the Evidence Amendment Act, 1869, which enables a witness who objects to take the oath, or a person upon whose conscience the oath is not binding, to give evidence, after making a declaration in the words stated in the Statute. So far as witnesses are concerned, there is no necessity, as the Government are advised, for the Bill.

Mr. BRADLAUGH (Northampton) asked, whether the right hon. Gentleman was aware that the Act of 1869 did not apply to jurors at all; that many jurors were escaping from duty, rightly or wrongly, by professing to be persons without religious belief; that the Act of 1869 did not affect any case in which barristers, solicitors, magistrates, or other persons were required to take the oath of allegiance, or any of the cases of promissory oaths in any of these classes.

Mr. W. H. SMITH: I am not able to answer the hon. Gentleman on a question of law. If he desires to have an answer given perhaps he will be so good as to put the Question on the Paper.

Mr. BRADLAUGH said, his only object was to direct the attention of the First Lord of the Treasury to these classes. He did not desire an answer.

LAW AND JUSTICE—THE FLINTSHIRE MAGISTRACY.

Mr. D. SULLIVAN (Westmeath, S.) (for Sir Thomas Esmonde) (Dublin Co., S.) asked the First Lord of the Treasury, If the Lord Chancellor will communicate with the Lord Lieutenant of Flintshire, with a view to ascertaining whether there are any Nonconformists in the county qualified for the magistracy; and, if it be found upon inquiry that there are, whether the Lord Chancellor will cause the necessary steps to be taken to place them upon the Bench?

MR. OSBORNE MORGAN (Denbighshire, E.) asked the right hon. Gentleman, whether he was aware that the Members for the county and borough of Flint, one of whom is a Nonconformist, are qualified to act, and, as a matter of fact, do act, as magistrates for counties other than the County of Flint, and whether there is any valid reason for their exclusion from the Bench of the county which they represent in Parliament?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, he was not aware of the facts which the right hon. and learned Gentleman had stated, as he (Mr. W. H. Smith) was not intimately acquainted with the List of the Magistracy of the United Kingdom. As to the Question of the hon. Baronet, the Lord Chancellor saw no reason to doubt that the Lord Lieutenant of Flintshire had arranged to recommend those Gentlemen whom he considered to be most suited to the Magisterial Bench in each district, having regard to all the circumstances of each case; and he was not aware that any circumstances had arisen which called for his interference.

SOUTH AFRICA—ZULULAND.

MR. W. REDMOND (Fermanagh, N.): May I ask the Secretary of State for the Colonies, Whether it is true, as stated in several newspapers, that the British Government have annexed Zululand to the Crown; and, if that is so, whether this has been done with the sanction of the Zulu nation; and, also, whether it is customary or right, in the case of such vast territories, to annex them without the consent of Parliament?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): I can but refer the hon. Gentleman to the answer which I gave a few nights ago, in which I stated that Sovereignty had been proclaimed over Zululand, and that the Zulus had assented.

MR. LABOUCHERE (Northampton): Will the right hon. Gentleman state what steps were taken to discover the views of the Zulus?

SIR HENRY HOLLAND: Steps were taken by informing the Zulus what was going to be done.

MR. LABOUCHERE: I would ask the First Lord of the Treasury, whether he will give the House an early opportunity of expressing its opinion upon this most important action of the Government?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): There will, I think, be an opportunity of expressing an opinion on the Colonial Vote.

MR. LABOUCHERE: When?

MR. W. H. SMITH: That depends on the progress of Public Business.

RAILWAY RATES BILL.

In reply to Mr. HENEAGE (Great Grimsby),

THE SECRETARY TO THE BOARD OF TRADE (Baron HENRY DE WORMS) (Liverpool, East Toxteth) said, that this Bill would be reprinted, and would be in the hands of Members shortly.

CUSTOMS AND INLAND REVENUE BILL.

In reply to Mr. DILLON (Mayo, E.),

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) said, he hoped the Bill would be reached to-night. If not reached to-night, he was not able to say when it would be taken.

ORDERS OF THE DAY.

—o—

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

> "That a sum, not exceeding £2,998,000, be granted to Her Majesty, to defray the Charge for Provisions, Forage, Fuel, Transport and other Services, which will come in course of payment during the year ending on the 31st day of March 1888."

COLONEL DUNCAN (Finsbury, Holborn): It will be in the recollection of the Committee that the Army Estimates were under consideration some days ago, and that certain Votes were taken up to the small hours of the morning, when, in consequence of an appeal that was made to the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith), he offered to give a more general discussion upon this Vote than it was possible to take upon the Votes as they were submitted to the Committee on the first night. I trust that in any step I am about to take I shall not abuse the privilege which the right hon. Gentleman was kind enough to grant to the Committee. There are, however, two points to which I specially desire to direct the attention of the Commitee, and they are connected with the paymasters and the quartermasters of the Army. With regard to the paymasters, I wish to remind the Committee that system of appointing these officers has been frequently changed, and that the effect of these constant changes has been very prejudicial to the position and interests of the officers employed in the Army Pay Department, who complain that they have not been treated with the same consideration which has been extended to the members of other Departments of the Army. For instance, while the officers of the Commissariat and the Ordnance Store Department are always certain of obtaining the rank of lieutenant colonel, after having reached the rank of major in the course of four or five years' further service, that privilege is denied to the officers of the Army Pay Department. A very small number of officers connected with that Department succeed in obtaining the rank of lieutenant colonel, even although they may have been employed in active service in the field, and I need scarcely say that it is extremely mortifying to an officer who has been a combatant to see a non-combatant promoted over his head. I trust the right hon. Gentleman the Secretary of State for War (Mr. E. Stanhope) will see that the very moderate appeal which the officers of the Army Pay Department make shall receive a favourable consideration. I have not sprung this question suddenly upon the Committee, seeing that nearly a year ago I stated the grievances of this body of officers. I may point out that they are admirable officers, and that their branches of the Service is working as well as any other in the Army. I therefore trust that their grievances and claims will receive some consideration. There is a special reason for bringing the matter before the House this year. Under the recent Warrant it has been decided that for 1887 no step on retirement shall be given, so that if the officers of the Army Pay Department do not get the privilege enjoyed by the Commissariat and Ordance Store Departments this year, they will still remain in the rank they now hold, although, in point of actual service, they will be senior to other officers who may be promoted. There are one or two other points in connection with this Department which are worthy of the consideration of the right hon. Gentleman the Secretary of State for War. It is a matter to be regretted that the Department has no representative in the War Office. All the other Departments of the Army have some representation among the permanent officials of the Government. The great strides which have been made in connection with the Commissariat and the Ordnance Store Department have been in the main due to the fact that those Departments have had representation at the War Office. There is no such representation in regard to the Army Pay Department, and I therefore appeal to the right hon. Gentleman the Secretary of State to take into his careful consideration the propriety of having some link, so to speak, at the War Office between himself and this large and important body of officers. Passing from that Department, I come now to an entirely different matter—namely, the Quartermasters' Department. I have myself, on more than one occasion, brought the grievances of the quartermasters before the House, and I believe that their case has been frequently commented upon in this House; but I found that, on the whole, the opinion of the War Office has been that the grievances complained of are not very great. Nevertheless, the Secretary of State consented to the appointment of a Departmental Committee, and the result of the inquiry of that Committee has been to prove that there really is a case, because additional advantages, to a considerable extent, have been given to the Department; although, in my opinion, the concessions which have been made have not covered all the ground which ought to have been covered. It must always be borne in mind that the Army of this country is enlisted on the voluntary principle, and, therefore, that it is desirable to give proper inducements to the men who join the Army. At present, the only temptation you offer is deferred pay at the end of service, and the dreary prospect of passing into the Reserve, which really is no better than passing into the workhouse. The men who are passed into the Reserve find great difficulty in obtaining employment; and I see from the workhouse returns that a very large proportion of the men belonging to the Army Reserve have been compelled to become paupers. If your desire is to induce a better class of men to enter the Army, I am afraid that you will not accomplish your object by treating the men as you do at present. You must certainly make the inducements and temptations to enter the Army far greater than they are now. Let me call attention to the position of the quartermasters. They have essentially sprung from the ranks, and is their treatment so favourable as to afford a temptation to other men to enter the Army? How are they treated? I am sorry to say that they are treated differently from any other officers who may be promoted from the ranks, and that they are placed at great disadvantage. These quartermasters get commissions so late in life, that when the time comes for compulsory retirement there are two or three years' service wanting to entitle them to the maximum pension of £200 a-year, and for each year's time they are short they are mulcted £10. If, on the other hand, a man commenced to act as quartermaster in comparative youth or middle age, when he reaches the maximum of service to entitle him to a pension, and consents to serve for an extra number of years, he is unable to add to the amount of his pension at all. Surely, if it is right to mulct a man £10 a-year from his pension for every year of service that he is short, when the War Office retains a man in the same position beyond the time which would entitle him to the maximum pension, he ought to receive an addition of £10 every year. Unless a man finds that he has a prospect of increasing his pension by staying he will undoubtedly leave the Service, and the country will not only have to pay the maximum pension of £200 a-year, but will have to pay the man who takes the place of the officer who retires upon his pension. I believe that if a different principle were adopted the sum saved to the country would be very large indeed; and, therefore, apart from the question of justice, I make an appeal to the right hon. Gentleman the Secretary of State for War on the lower question of economy to do something to make the conditions of service in regard to the quartermasters of the Army better than they are now, They are excellent men, who represent what I may call the cream of the Service. In an ordinary case, when an officer has risen from the ranks he is well able to look after himself, but these men require to be treated with special tenderness and gentleness. I therefore hope the Secretary of State, taking into consideration the value of their services, and the justice of their demand, will consent to do something in their behalf. I have only one word more to say, and it has reference to the Royal Horse Artillery. The position of that branch of the Service has been before the country now for a long time, and it is understood that a considerable reduction in the force of the Royal Horse Artillery has been decided upon. I accept that decision, and will say nothing about it in any controversial spirit. There were, however, circumstances which occurred during the past year which led to my being to some extent the historian of that corps, to which for 30 years I belonged. I had, therefore, special opportunities of becoming acquainted with the bitterness of the feeling which has been occasioned by the decision of the War Office. I could recite stories of the gallantry of this branch of the Service which would make the eyes of hon. Members glisten and their cheeks glow. I am satisfied that those who are serving in the ranks to-day would emulate the deeds of those who went before them. I will, however, on this occasion do no more than express my most deep regret that the country is likely to lose the services of any portion of this most distinguished Corps. They can never be re-created with their old *prestige*.

Dr. FARQUHARSON (Aberdeenshire, W.): I do not propose to follow the hon. and gallant Gentleman who has just sat down; but I desire to draw the attention of the Committee for a few minutes to a question which is very germane to the Vote now under the consideration of the Committee—namely, the question of the rations supplied to the British Army. I have already had the honour of bringing that matter two or three times before the House. On the last occasion, the Vote was not brought on until 2 or 3 o'clock in the morning, and I am afraid that my remarks did not make any great impression upon those to whom they were directed — at any rate, the matter has not received that consideration which I think it is entitled to. Unfortunately, the frequent changes which have taken place in the Departmental Chiefs must necessarily have made the consideration of any special question most irregular. The rapidity with which one Secretary of State for War has succeeded another has rendered it difficult to bring the mind of the Head of the Department to questions of this nature. I may say that the question was brought under the consideration of the War Office some years ago, and General Peel presided over a Committee appointed to inquire into the matter. The Committee were of opinion that something ought to be done, and that better rations ought to be provided. But General Peel recommended that, instead of giving better rations, the soldier should get a little more pay. There is now a strong and growing feeling, especially in certain medical quarters, that the rations supplied to a soldier are too small. The surgeons of the Army Medical Department have reported that the soldier's ration of $\frac{3}{4}$ lb. of meat is certainly too small for the support of his constitution. He certainly receives $\frac{3}{4}$ lb. of meat; but if any hon. Member would go to the barracks and see how the rations are served up, he would find that those $\frac{3}{4}$ lb. of meat are boiled down to a very small bulk indeed, so that in the end the soldier gets very little more than four or five ounces, after the meat has been cooked. Then, again, the soldier practically gets all his rations at one meal—namely, at dinner; he receives scarcely anything at all in the morning or in the evening. The consequence is, that when he goes out in the evening he gets a little liquor; the drink—operating upon an empty stomach—produces a very bad effect indeed. Although the question is one of importance concerning the regular soldier, it is of still greater importance when we have to deal with the case of the recruit. The recruit is generally a growing boy, often a weak, weedy boy, who is called upon to do a considerable amount of work of an intricate and complicated character. He has his drill to learn and a large amount of work to do, and he is certainly not well fed. He has to expend a considerable portion of his pay in buying extra food—such as milk, butter, bread, and cheese, which he finds it necessary to obtain in order to enable him to carry on the work he has to do. It may be said that so long as he has the money why should he not spend it in food; but in the case of a young recruit, he is open to very strong temptation to spend it in amusement. If he does, the result is, that he gets an insufficient amount of food; and we know very well that there are a far larger number of diseases prevalent in the Army than there ought to be. Hon. Members have frequently referred to free rations. Now, free rations are an entire delusion, a snare, and almost a swindle. A recruit is told when he joins the Army that he will receive free rations; but those free rations consist simply of $\frac{3}{4}$ lb. of meat, a little coffee, and some bread. He has to provide himself with milk, with butter, cheese, and various other things, and finding himself disappointed in the idea which had been impresssd upon him that he would get free rations, and that such free rations are purely ornamental, a very bad impression is produced upon him. I am afraid that the large number of the desertions we find reported in the Officers' Returns are very much due to the fact of the young soldier having found out that the delusive hopes held out to him have not been realized in actual practice. Considering the responsibilities of the career upon which he is entering and the probability of his losing his life in the service of his country, I think he is very badly paid, and that he ought to be provided with better and more ample rations. There are a large number of men engaged at the present moment all over the country in recruiting for the Service. I think it is very desirable that when they go down to the country districts they shall be able to describe the Service in such a way as to induce young fellows to come forward and to render the Service popular, so that we may get into the Army a better class of men. It will be said that recruiting is going on very favourably; but labour is now depressed, and there are a large number of men out of work. When employment becomes more abundant and more remunerative, the recruiting sergeant will have to compete with the labour market, and therefore it is highly essential that he should be able to offer an adequate temptation to the recruit. I will not weary the House by going into any other phase of the question. Any hon. Member, however, who looks at the Returns will be struck by the large increase of desertion that is now going on. Last year, out of a number of recruits, which amounted in round numbers to 35,000, nearly 5,500 deserted in the course of the same year, or 13·7 per cent. There was a much smaller number of desertions in 1883, showing that some cause must be at work which is rendering the Service less popular than it used to be. No doubt, a good many of these desertions are caused by a feeling of disappointment in the minds of young persons who have joined the Army at finding the inducements held out to them unrealized. I believe it is a fact which, in the great majority of cases, determines them to throw up the Service, and to retire into private life at all hazards. I think I have shown that if the regular soldier is sufficiently fed, at all events the recruit is not, and I would ask the Secretary of State for War whether it is not desirable to appoint some kind of Committee to consider the question. I do not want to lay down any hard and fast rules, or to define any machinery by which the matter is to be carried out. I have no doubt that it would involve a considerable additional expense; but I think it would be worth the money if the War Office could be induced to provide better rations, especially in substances of a fatty and farinacious nature. At the present moment the soldier may get enough meat; but he certainly does not get enough of other articles—such as butter and cheese. Therefore, I ask for the appointment of a Committee, although whether such a Committee should be a Committee of this House, or of a departmental character, I do not presume to say.

THE SURVEYOR GENERAL OF ORDNANCE (Mr. NORTHCOTE) (Exeter): Perhaps it will be the most convenient course to dispose of the various questions one at a time as they arise in the course of the discussion of the Army Estimates rather than mix up different questions. The points raised by the hon. and gallant Member for Finsbury (Colonel Duncan) and the hon. Member for West Aberdeen (Dr. Farquharson) are altogether different, and must be replied to separately. The question of rations was brought forward last year by the hon. Member for West Aberdeen, who stated his case very fully, as he has done this evening, and was replied to by the right hon. Gentleman the Member for Stirling (Mr. Campbell-Bannerman). One point raised by the hon. Member was, whether the matter was to be met by an increase of rations to the soldier, because if so it should be borne in mind, as was pointed out last year, that that would involve an addition of not less than £750,000 to the Army Estimates—too serious an increase to be decided upon rashly. The hon. Member will also know how reluctant the Government are to increase the Army Expenditure without the very strongest grounds indeed. Then comes another question. whether the ration is sufficient, and what the position of the soldier is as compared with what it was a few years ago. He now receives 1*s.* a-day, from which 5*d.* a-day is deducted for mess; but he also receives 5½*d.* a-day in addition, and 2*d.* a-day deferred pay. The position of the soldier now is much better in regard both to pay and rations than it was a few years ago, and as contrasted with foreign Armies, the British soldier receives more than double the rations of a Russian soldier, and more than any Continental soldier receives, the French soldier being the only one who can in any way approach to us. Including pay and rations, the British soldier now receives what is equal to 1*s.* 7½*d.* a-day, as against 1*s.* 3*d.* in 1866. It is apparent, therefore, that the position of the English soldier has been much improved of late years. I believe it would be of no advantage to the soldier to increase his rations by reducing his pay, because that would involve our contracting for special vegetables, and would curtail the liberty of choice which the soldier now has of purchasing certain articles of food for himself. The hon. Gentleman says that the Report of the Committee which sat in 1867 was favourable to an increase of rations; but as far as I am aware it is not the belief of medical men that our soldiers are at all underfed. As a matter of fact, I do believe that there are very few regiments in which there is anything like a full stoppage made, and that affords strong evidence that, so far as the officers are concerned, they consider that the soldier does get enough to eat. As to the appointment of a Committee, the War Office is already over pressed at the present moment with Committees of all sorts and sizes, and I am not prepared, therefore, to accede to the proposal off-hand, but I will undertake that the suggestions which have been made shall receive due consideration.

Colonel HUGHES-HALLETT (Rochester): As we have permission upon this Vote to speak on general matters I should like to say a few words about the strength of the Army. Hon. Members are probably in possession of the General Annual Return handed in in October last, and the preliminary annual return of the Army this year. They are both of them most important documents, and they furnish hon. Members with some valuable information about the state of the Army and its effective strength. If hon. Members will take the trouble to examine the statistics contained in those documents I think they will arrive at a very good idea as to the state of the Army, and a comparison of its effective strength for the last 20 years, commencing with the 1st of January, 1866, and ending with the 1st of January, 1886. But while these Annual Returns furnish us with valuable and instructive facts they also afford a considerable amount of disappointment. As far as the numbers go it appears that the Army has been tolerably well kept up. On the 1st of January, 1866, the strength of the Army was 201,641, and on the 1st of January, 1886, it was 200,785; and it was 230,857 on the 1st of January this year. Although the increase, so far as the numbers go, is satisfactory, there seems to me to be something more required than the actual numbers—the age and physique of the men must also be considered. In 1873, the year when the short service system first came into operation, 46 per cent of the men who enlisted were under 25 years of age, and 31 per cent were over 30 years of age. In 1885, the last year for which the Returns are made up, the number of recruits under 25 years of age was 62 per cent, and there were only 14 per cent over 30 years of age. That is the natural result of what is called the "short service" system. It is no exaggeration to say that our ranks have been filled up with boy-soldiers. If scholarship tends to make a good soldier then certainly the Army has improved; but I contend that that is not so, and that something more than scholarship is needed. Scholarship does not make a soldier capable of hard work, of enduring hard knocks, and the fatigue of a campaign. It would appear from these Returns that the aim of the authorities has been to get recruits with a superior education rather than to pay attention to physique, robust health, personal strength, and power of endurance. This, no doubt, suits the views of the right hon. Gentleman the Member for the Brightside Division of Sheffield (Mr. Mundella), but it is certainly not all that is required in the Army. What we want is men with broad chests, and a good sound constitution, who know how to use the weapons placed in their hands, and are capable of undergoing the effects of a hard campaign in a bad climate. For such purposes I would prefer a lad with a good physique, who cannot read and write, to a more delicate lad who knows how to make obtruse calculations in decimal fractions. No system of superior education will compensate for want of personal strength and power of endurance, although it looks very well in theory. In the year 1873 I find that we had 21,753 soldiers who could neither read nor write, and only 10,930 who had received what is called a superior education. In the year 1885 there were only 5,473 who could neither read nor write, and 148,723 of superior education. There is, however, this remarkable fact, that all this superior education does not make your soldier one whit better in regard to his conduct, for I find that in 1885 there were far more courts-martial than in 1873. More than that, it is a very significant fact that desertion, casualties, and discharges have greatly increased under the short service system. In 1873 the net loss by desertion was 1,720, while in 1885 the net loss by desertion had increased to 2,975, or nearly double. In 1885 the loss by death was 2,585, and the number of those discharged and invalided was 3,581, 1,008 were discharged for bad conduct, 1,488 bought themselves out, and 3,531 retired on the completion of their service. Hon. Members who pay attention to this matter will find that the total withdrawal in that year was no less than 35,000, of whom only one-third went into the Army Reserve. Upon that basis it will be found that the whole loss in the regular ranks in the Army was something like 23,000 or 24,000—that is to say, one in seven of the men who enlisted. It appears to me that that is a most serious loss and a loss which, I maintain, the short service system is not able to stand. You may train a lad to a perfect appreciation of drill, discipline and order, you may train him to perform his duty thoroughly, and you may train him to a perfect appreciation of the honour of his corps and of his colours; but what is the use of all that if, after a few years, he is to be sent into the Reserve? In the Horse Artillery it takes four years to make an efficient driver, and yet in two years more that man is gone. It is almost sufficient to break the hearts of your non-commissioned officers to have to deal with a constant stream of raw recruits. The system which invites all the strongest young men in the country into the ranks of the Army, at the same time instilling into them the necessity of a superior education, and then draining them off in the course of a few years to earn their living as best they can, is a most pernicious system. It is a system not justified by results, and it is useless in practice. The fact is that Englishmen have no idea of originating military notions of their own. We copy most servilely the systems of other nations. But for the battles of Wörth, Weissenberg, Gravelotte, and Sedan we should never have copied the German system. In the Crimean War we looked upon the French Army as the greatest military machine in the world, and we had our shakoes and uniforms cut according to the French Fashion. Then came the year 1870 and France, as a military nation, was found to be a sham. The German Army was then found to be the best, and the result was that our French military shakoes were thrown away to be replaced by the helmets of the Germans. We invariably copy foreign nations, and I believe if the Zulus had got the better of us in our campaign against them the uniform of the British soldier would have been a cincture of cows' tails. Hitherto we have made spasmodic efforts, which have not only been most costly but exceedingly cruel. In spite of what enthusiasts may say of the short service system the ranks of the Army Reserve will, in my opinion, decrease rather than increase, because a man knows that if he enters the Army Reserve it will not be easy for him to obtain employment. We cannot wonder that an employer of labour who has to keep factories and other means of employment at work should refuse to employ men from the Reserve. No man engaged in a great commercial operation will take a man who may be called away at any on moment, should a certain emergency arise; and as the hon. and gallant Member for the Holborn Division of Finsbury (Colonel Duncan) says, the result is that a large proportion of the paupers in many of the workhouses are men on the Reserve List. I am glad the hon. and gallant Member has called attention to that fact, because it reminds me that not long ago I had placed before me a list of 10 workhouses, and from that list I deduced this extraordinary fact—that 27 per cent of the paupers were on the Army Reserve List. The short service system is totally unsuited to this country. England is not like Germany where the Army is exclusively used for one purpose. We have to send our Army to Burmah, to Egypt, or to India, whereas the German Army is confined to Germany. Consequently, the conditions which apply to the German Army are not those which govern the British Army. It must be borne in mind that we have enormous possessions abroad which require the services of our Army to defend them. I know the advocates of the short service system say that we can retain our lads and wait until they grow; but there is no time for that, as any hon. Member may see if he takes the trouble to inspect the great military depôts, and visit the graveyards and the hospitals which are the natural consequence of the short service system. We are obliged to send our young soldiers to unhealthy climates, and they are sent home after a short service to die, or to become invalided and sent to the hospitals. That was not the character of the men who fought in the Peninsula War, the Crimean War, and in India before the Mutiny, and in the Mutiny itself. They were men of a very different stamp. Every man in the Army 30 years ago was worth two of the men of the present day, although I do not say this in disparagement of the young soldiers of to-day, who do their work bravely and well in the midst of a campaign in the face of the enemy. It it not their fault if, instead of being veterans, they are mere striplings; but it is our fault if we impose upon them tasks which they have not sufficient strength to perform, and which they are unable to perform with vigour and success. I maintain that an Army Corps of 100,000 men 30 years ago had the same fighting capacity as 200,000 men now. The argument derived from this is that the Army costs twice as much as it is worth. Every soldier now-a-days costs about £100 a-year. That is what the cost is when a man enters the Army as a recruit; but when he is sent into the Reserve he is worth at least £200 a-year. It will be said—"What limit can be found?" No Conservative on this side of the House has broader views on political and general matters than myself; but I am a Conservative in my belief that we had a far better Army, as regards the constitution of the Army, 30 years ago than we have at the present moment. I hope the nation will always have the greatest solicitude for the condition of the Army, and the system under which it is constituted. No one wishes to indulge in idle dreams of military competition with foreign nations; but the British nation has a right to demand that its Army shall be maintained as regards armament, training, and organization. While on the subject of the British soldier I may refer to an incident which happened not very long ago. A right hon. Gentleman, a Member of this House, made some very severe accusations against the British soldier. He accused him of acts of cruelty and inhumanity in the Soudan War, charging him with bayonetting the Soudanese as they lay wounded on the ground. To such charges as those I can give an emphatic contradiction, on evidence just as good as that on which the right hon. Gentleman spoke. Those who know what battle-fields are like on which the British soldier fights, when he is dealing with an Oriental or uncivilized enemy, will know that it is a very usual thing for an enemy to feign death until the Englishman approaches him, perhaps bringing water to relieve his thirst, or medical appliances, and to endeavour to shoot or stab him. These things were constantly done in the Soudan War, and is it to be wondered at that a man placed in such a position should protect himself by putting some such wounded wretch out of his misery, rather than run the risk of being killed himself? The well known Peace Party in this country is often fond of speaking bitterly against the Army when this country was not at war, but directly there is a sound of war in the air they are the very persons to press round the soldiers and praise them. I remember some lines which are *àpropos* to this point; but I do not know, who wrote them—

> "When danger comes, and the foe is nigh,
> 'God and the soldier' is the cry;
> When the enemy's beat and danger righted,
> God is forgotten and the soldier slighted."

I would say that such accusations as those to which I have referred do not find favour with the great bulk of the British people.

Mr. FINLAY (Inverness, &c.): I desire to say a few words for the purpose of endorsing the appeal which has been made by the hon. and gallant Member for Finsbury (Colonel Duncan) on behalf of the quartermasters, and for some reform in the Army Pay Department. I do not wish to add anything to the statement which the hon. and gallant Gentleman has made, with very full knowledge of the subject except that my attention has been called to the matter, and I earnestly press it upon the consideration of the Government. I will only add one observation. We have heard a great deal of the necessity of supplying our soldiers with the best possible weapons; but, after all, our success in war must depend upon the men themselves; and, therefore, I trust that steps will be taken to gratify the legitimate ambition of a deserving class, and to remove the grievances of which they complain in order to show that we properly appreciate the services which have been rendered to the country.

The SECRETARY of STATE for WAR (Mr. E. Stanhope) (Lincolnshire, Horncastle): I can assure the hon. and learned Gentleman that the Department over which I have the honour to preside is most anxious to remove any impression which may exist among any of those officers who are serving Her Majesty, that they will not do their best to remedy any grievance which may be proved to be a real grievance. The question of the Army Pay Department has been brought forward to-day by the hon. and gallant Member for Finsbury with extreme moderation, and, on a previous occasion, as he has reminded the Committee, he was kind enough to give way. I am sorry that I am unable to give a satisfactory answer to his appeal. The discussion has come upon me rather sooner than I expected; but I have given some attention to both of the points which the hon. and gallant Gentleman has raised, and what I am about to say will not, I trust, be altogether displeasing to him. The hon. and gallant Gentleman complains that the officers of the Army Pay Department after five years service do not obtain staff rank. He has pointed out that their position is a harsh one as contrasted with that of two other corps with which they compare themselves—namely, the Commissariat and the Ordnance Store Department, and he says that the officers complain that they are badly treated as compared with officers serving in other Departments. Now, in the first place, I should like to say that, at the present time, the War Office is engaged in remodelling the Commissariat Department, and all questions of rank whether in one department or another must be treated as a whole—that is to say, that it is impossible to concede claims in one Department without considering the effect upon another Department. In regard to the case of the paymasters, I may say that the whole subject is now undergoing very careful consideration, and my hon. Friend the Financial Secretary is now trying to deal with the subject in as comprehensive a manner as was possible. We admit to a certain extent the justice of the claim which my hon. and gallant Friend supports, and we shall be prepared, when the time comes, for promulgating our general views in respect to the paymasters to give some recognition to their claim to staff appointments. As to the quartermasters, their case was considered last year before the Royal Warrant was issued, and the Royal Warrant gives the views of the War Office of the time being upon the case of these officers; but I admit fully that there was one point which with regard to the quartermasters which we engaged to meet which has not been yet met. I stated the other day that it was intended to give a step in honorary rank to certain quartermasters; and I hope to be able in a few days to give the exact details of what we propose. Unfortunately I am not able to do so now. But before many days are over I believe I shall be able to state to the House exactly what we are able to do in regard to giving a step in honorary rank. I have now, I think, answered all the points of the hon. and gallant Member.

COLONEL DUNCAN: There is the pension.

MR. E. STANHOPE: As to the pension I fear that we do not see our way to dealing with that at present without opening the question in regard to other Departments; but the subject was considered at the time of the issuing of the Royal Warrant. With regard to the larger question of the reduction of the cost of the Army, I should be glad if my hon. and gallant Friend the Member for Rochester (Colonel Hughes-Hallett) could show me any scheme which is calculated to reduce the cost of the Army without diminishing its efficiency. I can assure my hon. and gallant Friend that the War Office would not turn a deaf ear to any suggestion on that subject from whatever quarter of the House it may come. It would certainly receive the most careful attention of my hon. Friend and myself.

SIR WALTER BARTTELOT (Sussex, North West): I should like to address a few words to the Committee, especially as this is the first opportunity I have had of congratulating my right hon. Friend the Secretary of State for War on the very clear and lucid Memorandum which he placed before us at the commencement of the Session. My right hon. Friend, like many other men in the high position he now occupies, has come into that position under somewhat difficult circumstances. Probably up to the time of his appointment he had hardly ever turned his attention to the great questions of the Army, and he now finds himself, at a very difficult time, called upon to consider most intricate and involved questions. I can only venture to express a hope that all those who are able to do so will give him that support which a man ought to receive who is endeavouring to do his duty under difficult and trying circumstances. My right hon. Friend has already made a speech in answer to the remarks which were made on the Memorandum he had placed on the Table of the House. In that speech my right hon. Friend complained, and rightly complained, of the present condition of affairs. He stated that if this House is prepared to vote the money, he should be prepared to place the Army in the most efficient condition possible. Well, Sir, it is that question of voting money which has been one of the main difficulties in regard to keeping up the efficiency of the Army. I will venture to say that it is one of the questions that deserve the very serious attention of the House. I see that an hon. Gentleman opposite takes a different view; but I do not think that even he would wish to see the Army in any condition except that of absolute efficiency. What we require, and what we really ought to have, is that every portion of the Army should be effective and efficient; and it has been proved to us beyond dispute that even the arms they have been called upon to fight with have not been what they ought to have been, and ought never to have been placed in the hands of the soldiers of this country. There are two things upon which mainly depend the efficiency of the Army. The first is Vote 1 of these Estimates, for the men; and the second is Vote 12, for warlike stores. Yet these are the two Votes which I say, unhesitatingly, are more manipulated for Party purposes than any other two Votes in the whole of the Army Estimates. It cannot be generally known that under our system of government such is the case. It used to be the case until quite lately, that when anything was wanted to be done—such as a reduction in the number of men or something or other in connection with the supply of stores—these two Votes were made to suffer. What was the effect? Why, that the whole calculations with regard to the Army were upset. You did not know exactly how far you could go, or how much the efficiency of the Army might be impaired. Half a million had to come off somewhere, and, accordingly, the number of the men was reduced. That is the way in which we have been accustomed to deal with that portion of the quesiton. Then, again, as to stores; something more was to be reduced; and as the Vote for stores amounts to nearly £3,000,000, another £500,000 of reduction required must come off that, utterly regardless of the fact that the reduction was made for Party purposes, without any reference whatever to the efficiency of the Army. Everyone would admit that the efficiency of the Army was impaired; but there are only two Votes which can be easily manipulated; and, therefore, these two Votes, although they are more necessary than any others to keep up the efficiency of the Army, are the two which are invariably dealt with in this way. I have always thought, and I still think, that we ought to have some authority for the consideration of these questions. I do not know whether the Committee of this House, which is to inquire into the Army Estimates, will go into questions of this kind; but, as a great nation, the first thing we have to determine is what number of men we require, and how they are to be distributed—how many men we require for England, how many for Ireland, how many for India, and how many for the Colonies. Instead of this, we distribute our forces as exigencies arise, and then cut off a certain proportion here and there, the result of which is that we rarely have the number of men we ought to be able to rely upon in the event of an emergency. It is precisely the same with our supply of stores. Surely the first thing we ought to do is to decide what quantity of stores we require, and every Member of the House should be able to see and know what the requirements of the country are; to insist that the Government shall keep up those requirements, and to see that all the stores are maintained in a proper and efficient state. Let me ask one question. Suppose we were to go to war at once, should we be able to get all the powder we require, especially of a particular kind, which we get now from Germany? If Germany were at war should we be able to get it? Would this country get one atom of that powder if Germany were at war herself? That is a very serious consideration, and if I regard the recent speech of the Secretary of State for War aright, he wishes to know what he can depend upon Parliament to supply, in order that he may provide an adequate number of men and a sufficient supply of stores to provide the Army with all necessary appliances in the event of war. I have thought it right to say this, because I feel that it is a question upon which a great deal depends. We come here year after year, and we find that sometimes one thing is cut down and sometimes another is raised, while the real efficiency of the Army and of the stores is never considered at all. Then, again, there is another question. It is a question which has been already touched upon in the course of the discussion—namely, that of the Horse Artillery. I do not propose to enter into the question of the reduction of the Royal Horse Artillery at any length. I will only say that it is an arm which has done much good service in the past; and it is an arm which might be depended upon to do good service in the future. Further than that, it is an arm which cannot be got up at a moment's notice; but one in which the men require to be most carefully trained. I, therefore, venture to hope that my right hon. Friend will, if experience shows that he has made a mistake in reducing the number of the batteries of the Horse Artillery, have the boldness and courage to re-establish this branch of the Service. I understand that there are 14 batteries of Field Artillery which are to be converted into ammunition columns. In the case of war, I take it that we are to have two Army Corps. Surely my right hon. Friend cannot for a moment have regarded the efficiency of two Army Corps, if he seriously contemplates a project which would render 14 of the existing batteries deficient and unfit for the purposes for which they are now employed? The moment we go to war all the available horses, and, I presume, all the available men, are to be taken from those 14 batteries, and the Horse Artillery and the Field Artillery in the two Army Corps are to be made efficient by providing an additional train. If that is to be the case, there must, indeed, be a deficiency of Field Artillery for an active campaign. I trust the right hon. Gentleman will avail himself of the opportunity of explaining in what position we shall stand supposing that two Army Corps are called out for active service and are engaged in war. What will be the position of the Army at home and of the Army in India, as well as of the forces in the Colonies? This is a very serious question, and it is one upon which, so far, we have had no real elucidation whatever. Therefore, I hope the right hon. Gentleman will be able to give us a clear statement. There is another question which has been raised, and raised very strongly, in regard to the organization of the Artillery Force. We have a force of something like 33,000 men; and it has been suggested that this force should be divided into three branches—Horse Artillery, Field Batteries, and Garrison Artillery. Now, although it is suggested that the Horse Artillery and Field Batteries should go together, the two services are absolutely distinct. The Garrison Artillery stands, however, in a totally different position at the present moment. Any officer going into the Artillery would prefer the Horse Artillery or the Field Batteries to the Garrison Artillery, although it is the most scientific branch of the Army. Why is it that the officers dislike service with the Garrison Artillery? It is because they are put by themselves into small isolated forts all round the country, and they do not get the advantage of the promotion which other officers get who are serving in the field. It is, in fact, a place of the worst fortune, as it is called, and officers dislike it very much. Then, again, at the present day they are called upon to work enormous guns—guns which have cost very large sums of money, and the charges for which are also most expensive. I believe that one of the larger description of guns costs from £19,000 to £21,000, and the cost of each charge from £125 to £150. Some of the largest guns used in forts and the Navy are from 42 feet to 43 feet 8 inches long, and you require men to deal with them who have had a special training. You require men who have made them their study; and the officers who have specially studied this work and the construction of guns are the men who look forward to securing posts in your Arsenal at Woolwich, and your other manufacturing establishments. I understand that my right hon. Friend is going to increase the Garrison Artillery by 1,800 men—one half of which (900) are to be raised this year. I know the question is a difficult one; but I say that it is a serious question, whether Garrison Artillery do not deserve a great deal more consideration than they appear to have had hitherto. It is in the hope that they will receive the consideration to which I think they are entitled, I have ventured to call the attention of my right hon. Friend to the matter. I come now to another question which is of great interest, and upon which we always receive valuable information from the hon. and gallant General my hon. Friend the Member for South Hampshire (General Sir Frederick Fitzwygram), and that is the case of the Cavalry. It has been asserted, and, I believe, rightly, that whenever we have a little war on hand, and desire to send out a regiment of Cavalry, we have to take men and horses from other Cavalry regiments in order to make up the requisite strength. In that respect our system differs materially from that of foreign nations, who always keep their Cavalry and Artillery up to a war footing. They know that services of Cavalry or of Artillery are of little or no value unless they are regularly kept up, and, therefore, they use every possible means of keeping up their strength and efficiency. That is what we ought to do; but I am sorry to say that hitherto we have not followed the example of our Continental neighbours. I believe that my hon. and gallant Friend the Member for South Hampshire maintains that every Cavalry regiment ought to have five squadrons, four to take into the field, and one to form a depôt at home. I quite agree with him, and have so stated in previous debates. From the squadron maintained as a depôt at home men can be drafted as necessity arises, in order to keep the regiment in the field in a constant state of efficiency. My hon. and gallant Friend is of opinion that every Cavalry regiment should always have four squadrons in an absolute state of efficiency. It is an arm of which we have always been proud, and which has rendered the country good service; but, as it is now kept up, there would be great difficulty, in the event of a war, in putting into the field a force of Cavalry which a great country like this ought always to have at its disposal. Then, again, as to the Reserves. You often experience a difficulty in getting the proper men belonging to a regiment when you wish to fill up vacancies. You ought to know where all your Reserve men are, and try them every year, in order to see whether they retain their efficiency, and so that you may not have mere Reserves on paper, but real Reserves, capable of being called out at any moment. I hope my right hon. Friend will go one step further. Let him get his First Army Corps together, and let him attach to it the Generals and officers who will have to command it in the field. We should then be able to see what it is that we have to depend upon. The men would know their officers, and the officers their Generals, and we should then be quite certain that we had one Army Corps—perhaps two—that was really efficient and ready to take the field at a moment's notice. I am quite sure that my right hon. Friend will understand the spirit in which I have made these remarks, and I hope they will commend themselves to his attention.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I am sure it cannot be held that our Army is a cheap Army; it is a very expensive Army indeed. In spending money on our Army, the great question is whether we get our money's worth for the great expenditure incurred. That depends very much upon organization. I am inclined to think, with the hon. and gallant Member for Rochester (Colonel Hughes-Hallett), that the Service has suffered, to some extent, from the short-service system. For service in India, and in other parts of the Empire, we need a larger proportion of long-service men. We have to maintain a large Army in India and all over the world, and we have gone too far in the direction of short service. When the noble Lord the Member for Rossendale (the Marquess of Hartington) was Secretary of State for War he took steps in the right direction, with a view of providing that the Army should be divided into long-service and short-service men; but the compromise we have now is one which means neither one thing nor the other. What I have risen for, however, has been to ask one or two questions in reference to the finance of the Army. Our position in regard to the Army is this—after deducting the cost of the Army in India, to which the fullest contribution is made by India, and also the contributions from the Colonies, we pay something near £19,000,000 for the Army we maintain for the defence of these Islands. For that purpose we have on paper something like 100,000 men, and the question is—are these men really effective? About 25,000 men are locked up in Ireland, and the remaining 75,000 are in England and Scotland. I believe there is much truth in what was said by the hon. and gallant Member for Rochester in regard to the large deductions which must be made before we can get at the real effective state of the Army. I believe that a large portion of it is not effective, and that there are a very large number both of soldiers and recruits who are not efficient in many ways. It appears to be necessary, in order to keep up an efficient force in India and the Colonies, to emasculate the battalions serving here; and I think it is an exaggeration to say that one-half of the men who serve in England and Scotland are efficient men fit to take the field. Therefore, when we are paying £18,000,000 or £19,000,000 for an extremely small Army, which exists to a great extent on paper only, and which would be greatly reduced before we could put it in the field. I must say that I am very uneasy. I have no wish to reduce the cost so far as the home defences are concerned. We have heard a great deal about the necessity for providing for the defence of our possessions in remote parts of the Empire; but I confess that we ought to feel much more interest in the defence of these Islands, and yet we possess but a very small, and altogether very insufficient Army. I ask whether the British taxpayer is fairly treated in regard to the financial arrangements? After deducting all the contributions we receive from the Colonies we have to pay £18,000,000 or £19,000,000 a-year for an emasculated Army, and what I want to ask is this. I believe that India pays the uttermost farthing that can be fairly charged upon her. I have never complained of that charge. I think it is quite right and proper seeing how dependent India is upon us for protection that she should pay every farthing of the cost which can be fairly charged upon her either directly or indirectly. But when we come to the Colonies we find a very different state of matters. We have in the Crown Colonies some 25,000 men who really represent a great deal more than that number seeing that they are the pick of the Army. But the contributions received towards the support of that Army amount to but a small fraction of the cost. Even that little is being constantly diminished. In all our questions with the Colonies we are only too apt to seek a settlement by putting a little heavier burden upon the shoulders of the British taxpayer. The total contributions towards the cost of these 25,000 men was no more last year than £139,000, which is but a very small fraction of the annual expenditure of the troops sent there. The Colonies are progressing in wealth and prosperity; they are making immense progress; but I do not find that their contributions towards the cost of their defence are increasing, on the contrary, there has been a considerable decrease in the contributions received from the Colonies this year. I want to know why that decrease has taken place? I think we may say that both in India and in this country something like one-half of our effective and actual revenue is spent on the Army and Navy, and on the defences of the country. But on the other hand, in respect of the Colonies only, an infinitesimal portion of the revenue is devoted to those purposes. I want to know why the contributions from the Colonies are so small, and why they have been reduced this year from what they were last year? Why should the West Indies pay nothing at all for their defence? Honduras used to pay £5,700 a-year, and that contribution has been reduced to £700 this year. I want to know why a colony like Natal—a most ambitious colony — always seeking for a larger territory, with a revenue of £800,000 a-year, a great part of which is derived from the British expenditure on the troops employed in the colony—I want to know why Natal only pays the infinitesimal small sum of £4,000 a-year for its defence, or something like one-half per cent on its revenue, while the British taxpayer has to pay fully 50 per cent upon his? Let me take the case of Ceylon; geographically, and for many purposes it is an outlying district of India. It is a rich country with a revenue of £1,200,000 a-year, but for purposes of military defence the Island of Ceylon pays only 3 per cent of its revenue; and I find that even that small payment has been considerably diminished this year, while India herself is required to pay a full contribution. Last year the contributions from the Colonies were reduced, and this year they have been still further reduced. Instead of paying 50 per cent like India why should Ceylon be only called upon to pay 3 per cent of her revenue? In these days of depression, I think we ought to look to the interests of the British taxpayer, as well as to those of the rest of the British Empire; and I contend that the contributions of the Colonies are not adequate, and are not on a fair scale compared with the contributions of this country. I will only repeat, before I sit down, that I think something ought to be done to establish a more efficient long-service system for the employment of the Army in India and the Colonies. The noble Lord the Member for Rossendale (the Marquess of Hartington) went considerable lengths in that direction; and I hope that, after what has been said by the hon. and gallant Member for Rochester and others, the Secretary of State for War will be inclined to go further in the same direction.

GENERAL GOLDSWORTHY (Hammersmith): I perfectly agree with what has fallen from the Members who have already spoken in regard to the organization and administration of the Army. I think, however, the Committee should understand that we do not make these observations from any Party or personal point of view, either in reference to any particular Secretary of State for War, or any other official. The right hon. Gentleman who now fills that high position has made a first attempt to put things in a practical way in the Memorandum which has been laid before the House. He says—

> "The success of the Prussian organization in 1870 for the first time drew the attention of this country to the question of the localization of our forces in peace time, and to the means of mobilizing them with rapidity when war was anticipated; and accordingly, in 1874, a plan for the localization of the forces was worked out and adopted, followed shortly afterwards by one for the mobilization of the Army."

That was in 1870. The Memorandum goes on to say, a little further on—

> "This scheme of mobilization was very carefully devised; but it had the serious defect of aiming too high. It assumed, as its starting point, that the whole of the Militia, as well as the Regular Army, was available for mobilization; and it passed over the fact that the strength of our Cavalry, Artillery, and the other branches of the Service, was much below what it should have been, to correspond to the strength of our Infantry. . . . The result was that the mobilization scheme of 1875 never had more than a paper existence."

Here we are in 1887, and we are engaged in organizing now. Have we had no organization at all—have we only had an apparent organization, but no more real organization than we had in 1875—namely, a paper organization? We have a Secretary of State for War, a Commander-in-Chief, an Adjutant General, and a Quartermaster General; but in the years which have elapsed since 1875 we have had some five or six different Secretaries of State. Whether that is to the advantage of the Department I do not presume to say; but I do say this—that if any business in the commercial world was conducted on War Office principles, it would be in bankruptcy before many years were over. You are constantly saying in this House that you are anxious to cut down the Army expense. I am for nothing of the kind; but I am for efficiency; and every military man in the House of Commons will tell you that the country has not secured efficiency. I was glad when the late Chancellor of the Exchequer resigned, because I thought there would, at least, be a chance of drawing attention to the vast amount of money which is expended, and the very little which the Government gets for it. The noble Lord was not in favour of reducing the number of men; but of what I and other military men in this House wish —namely, that the money voted for the Army should be judiciously expended. If we possessed a proper system, the money would go a longer way; but under the existing want of system it will do nothing of the kind. You ought to have gone much further than you have done, and made many changes which you have not made. We soldiers feel that it is undesirable to have a civilian at the head of the Army, who, in the first place, can have no military knowledge, and who, if he had, would be unable to bring his knowledge to bear owing to the short time he remains in the Office. His time is occupied in learning his business, and in doing what he is told to do by his military advisers, and ever since 1870 we have had the same set of military advisers. The changes which have been made since have been altogether insufficient. Many of the Orders issued in recent years have been simply to put you "as you were." In ringing the changes between long and short service, I cannot but think the interests of the Army have suffered. The first thing we have to do is to see that the regiments, as they are now constituted, are properly organized and renumbered. At the present moment, there is a difficulty in getting the recruits required, and the reason is that you do not hold out sufficient temptations to induce young men to enter the Army. I should like to see more commissions given to men from the ranks, the position of the quartermasters improved, the uniforms simplified and cheapened, the officers' quarters furnished. Under the existing system, the Secretary of State for War, at the end of two or three years, is changed, and this is the real cause of much of the evil complained of. There are 30 or 40 things which require to be done; but as soon as some of them are done, a new Secretary of State is appointed, who undoes everything, and makes further changes. That, I say, is at the bottom of the whole thing. If the Secretary of State were to remain in Office for a considerable length of time, his views would become matured, and he would be able to introduce the changes which are necessary. In Dublin, you have a special command; in Scotland, you have none; and the consequence is that the Dublin staff are all tumbling over one another. To render the Army efficient a great number of things require to be gone into. For 16 years we have been doing nothing, and now, in the next six months, we hope to do all that we ought to have done in the last 16 years. I will not take up more of the time of the Committee; but I trust that the Committee will see that military men are desirous, not only of securing the efficiency of the Army, but of saving the money of the taxpayers.

GENERAL FRASER (Lambeth, N.): I will only take up the time of the Committee for a few minutes in asking permission to bring to the notice of the Committee a question of national importance—namely, the proposed reduction of Horse Artillery. The nation is led to believe that there are to be sufficient Horse Artillery batteries ready for the Army Corps to take the field; it should know that the nine attenuated batteries on peace strength when concentrated could only form sufficient for one Army Corps, leaving the other Army Corps with only 423 men and nine horses, and a deficiency of 277 men and 643 horses; and, further, that these batteries of one Army Corps will be in the air, without any substantial source from which to replenish. The reasons given for these reductions are various, and appear to be irreconcilable, and suggest "confusion worse confounded." Against these reductions proofs unanswered and unanswerable have been put forward. The Secretary of State for State for War has announced at different times that the object of the Government is "no longer to have too large a force of attenuated batteries, but to make those the country has effective and available for service;" yet, in answer to a Question, he stated that the batteries retained would be kept at attenuated peace strength. Further, the Secretary of State for War has announced that the first object in the reduction is to increase the number of Field Artillery guns, in which this country is specially deficient. Yet he also states, that by the reduction he creates an ammunition column, of which we are totally deficient. He has also said—"I must honestly say I should be very glad to have more field batteries;" yet, he declares that 14 batteries of Field Artillery—namely, 84 guns—are to be kept up in the time of peace, to be disarmed, broken up, and made into ammunition columns in time of war. Therefore, the scheme comes to this, that four batteries of Horse Artillery are to be used at once for "the provision of transport," and 14 field batteries are to be swept away for the same purpose in the event of war. The Secretary of State for War allows, with reference to a speech of the Adjutant General, that it will require 3,702 horses above the number estimated for this year to place the Royal Artillery and their ammunition columns for the two Army Corps on war strength. The Secretary of State for War has spoken of "the perplexity of the situation" with regard to the horse supply, and the especial difficulty with regard to Horse Artillery, and he used these words—

> "I say there are no horses available in the country to man these Horse Artillery batteries in any short time, and to make them fit for active service."

His admission that the horse difficulty "engages his earnest attention," certainly gives the strongest reason against transferring to transport work these grand Horse Artillery horses, for which very inferior horses can any day be obtained. Every man interested in horses throughout the Kingdom knows that condition is everything. It was my duty, in 1882, to purchase several hundred horses. Artillery horses at £55 were difficult to obtain, and they were quite unfit, from want of condition, to go on service. With regard to the Horse Artillery men to fill up and to supply the vacancies caused by casualties, they are to be found in the highways and the byeways from the Reserve. Many men have taken to tramping, and have not been mustered or medically inspected for years, and have lost the Horse Artilleryman's art. There is no other resource. Without the reduction we have not one man or one horse too many. It is a fact that within the last few days batteries in the ordinary course of relief from one station to another in this country have been obliged to borrow horses to move the guns. The question is—How can the batteries be raised to war strength? The answer must be, either by drawing on other batteries in reserve, such as the four doomed batteries, still within call, or else from a large Horse Artillery Depôt, for the two Army Corps, which condition, an excellent authority states, was the recommendation of the Committee. Of this we now hear nothing. There is no reserve whatever of horses, and yet no battery could be safely sent into the field with some 70 horses new to their work; one inefficient horse may mean the loss of valuable lives, or of guns. Guns, as the Secretary of State for War remarks, would be useless without ammunition; also, it may be said, ammunition would be useless without guns. The question is—Which is the most easy to improvise, gun batteries or ammunition columns? In his Memorandum on the Estimates the Secretary of State for War shows that there is sufficient Field Artillery for the two Army Corps without touching the Horse Artillery, if only provision is made for ammunition columns. Now, 14 effective field batteries are to be turned into ammunition columns in war time, a step equivalent to absolute reduction of them so far as the guns are concerned. The result of this scheme would be, that were the two Army Corps on emergency to be sent abroad, and were an invasion of this country attempted, we may be absolutely denuded of all regular Field Artillery. The Secretary of State for War has stated that it was intended to issue to the Volunteers field guns, which were to compensate for the loss of our guns of Regular Field Artillery. Is it still intended to carry out this part of a scheme? Has any arrangement been made for the instruction of the Volunteers in Artillery riding, driving, &c.? Surely England should maintain a sufficiency of Horse Artillery, on which India, which pays for so many of our batteries, might draw on sudden emergency. If the two Army Corps are raised above paper condition and have to go abroad, England will be left without a man or horse to recruit casualties either for these Army Corps or for India. Is it wise or prudent, at a time when every European power is arming to the teeth, to reduce one of the special branches of the British Army? Considering our responsibilities in the Mediterranean and tho East, where Cavalry and Horse Artillery are of vital importance, are we right in reducing an arm which cannot be immediately strengthened or constructed without years of special training? The necessities of India appear to have been ignored—the reliefs even of the batteries there are not taken into account. Field Marshal Lord Napier of Magdala, in "another place," has expressed his opinion that the reduction of our more perfect armament, which has taken a long and careful training to bring to that perfection, is sure to be followed, at no distant time, by increased expenditure, if by no greater evil. It must be borne in mind that, in 1870, the Royal Artillery was decreased by 2,190 officers and men; that very year it was increased by 5,000. In 1881 there was a further reduction of 352 horses and 659 men and 42 guns. In 1882 there was a further reduction of two batteries of Horse Artillery, two of Field Artillery, and also of three Garrison batteries. Within the last four years the Indian Government represented that it might be obliged to call on England for a large number of horse and field batteries, which could not possibly have been supplied without almost denuding the whole of the home batteries. The distinguished General spoken of by the Secretary of State for War as his military adviser, appears to have overlooked the necessity of mobility in Artillery, and to ignore entirely the value of Horse Artillery; if his advice is adhered to, in a very short time in a campaign there would be no Horse Artillery available. His depreciation of the value of the Horse Artillery as being armed with a very poor gun is not applicable, as a large proportion of the Field Artillery are at present also armed with the 9-pounder gun, though we are told these batteries will be armed with a superior gun and the Horse Artillery with "some sort of 10-pounder;" but these equipments are not in existence. He claims that our field batteries are armed with an admirable 13-pounder or the old pattern 16-pounder—a good but unwieldy gun —the fact being that there are only 13 batteries armed with the 13-pounder, and 15 batteries with the 16-pounder. I have received earnest representations from many of our most distinguished officers, who have organized and commanded Armies, protesting against the proposed reduction, and I feel confident that this House and the country in general support their views. We soldiers repudiate the idea just now put forward that there is an agitation on this subject likely to lead to indiscipline; we fully recognize the brilliant deeds and the discipline that have gained for the Royal Artillery a name that no taunt can touch and no disparagement discredit.

Mr. E. STANHOPE: I think it will be for the convenience of the House that I should now say a few words in reply to the speeches which have already been made. The hon. Member for Kirkcaldy (Sir George Campbell) has called attention to the contributions now being made by the Colonies towards the military expenditure of this country, and he named certain Colonies in which he thought the contributions, inadequate as they were, had been reduced. I wish to offer one or two words in answer to the remarks of the hon. Gentleman, because I am one of those who, looking at the cost of employing Her Majesty's troops for the defence of the Colonies, think that the Colonies themselves ought to be called upon to contribute fairly. First of all, the hon. Gentleman called attention to the case of Honduras.

Sir GEORGE CAMPBELL: To the West Indies.

Mr. E. STANHOPE: Honduras is one of them. In the case of Honduras the troops were being gradually withdrawn, and, accordingly, Her Majesty's Government had agreed to remit the Honduras contribution of £5,000. Hong Kong and the Straits Settlements and Ceylon have also slightly reduced their contribution; but that has been done at a time when they have been induced to vote an enormous sum for the defence of the coaling stations, or their own defence. Hong Kong has voted over £145,000, Ceylon £45,000, and the Straits Settlements a very large amount, for the purpose of putting Singapore in that position of defence in which we wish to see it. Therefore, I do not think that anyone could say that the Colonies have neglected the responsibility thrown upon them, or have failed in their duty. And now a word or two with respect to the speech of my hon. and gallant Friend the Member for North Lambeth (General Fraser) who has just sat down. So far from there being any desire, on my part, to make an attack on the Horse Artillery, I can assure my hon. and gallant Friend that I am one of those who joined with him in hearty recognition of the merits of that splendid force. The Horse Artillery has rendered magnificent service to the country, and should the occasion arrive I have no doubt they would render services equally great. Anyone who has seen the admirable pitch of training at which the force has arrived cannot fail to admire it, wherever they see it employed. Therefore, it is in no spirit of hostility to the Royal Horse Artillery that any of the proposed changes will be carried out. I speak as a Secretary of State for War who has only held that position for a few weeks. All that a Secretary of State for War can do, under such circumstances, in regard to any alteration in any part of the Service, is to ask for and receive the opinion of his military advisers, and having weighed their experience and their views they put forward, to arrive at the best conclusion he can form from the expression of opinion he receives from them. His duty is to look at the question from the broadest possible point of view. He is bound almost to utilize in full all the resources of the country, and there are two questions he is specially bound to ask himself. The first is whether the step he is about to take will increase or diminish the defensive or the offensive power of the country; and in this case the evidence before me proves, at any rate, to my satisfaction, that the proposed alteration will increase the defensive power of the country. My hon. and gallant Friend the Member for Sussex (Sir Walter B. Barttelot), whose speech I may say we were all glad to hear, after his long absence from the House, referred to the Garrison Artillery. Now, I may tell him that during the short time I have been in Office it has been my duty to devote a very large portion of my time to the consideration of that question. There is nothing more important than to maintain the Garrison Artillery in a state of efficiency. I know that up to a certain point the Artillery Volunteers can be relied upon in case of necessity, but that is not sufficient. In the scheme we are laying down we are utilizing to the full the services of the Volunteer Artillery; but it is impossible for them to devote sufficient time to training and the acquisition of that scientific knowledge which would alone enable them altogether to supercede the regular Garrison Artillery in case of invasion. It is, therefore, necessary that there should be a large increase made in our Garrison Artillery Force if we wish to put the defensive Force of the country upon a proper footing. I have put forward, in a Memorandum, which has been circulated to Members of Parliament, a hope that Parliament will be induced to sanction the creation of two new Army Corps of regular troops. Some people say that I am much too sanguine, and that the scheme is far too ambitious; but if that is the argument which is to be put forward it makes our case all the stronger, because, according to the evidence of military experts, when the scheme is carried out the present proposal which has been determined upon will enable us to provide two Army Corps, with an efficient force of Horse and Field Artillery, as well as with an efficient ammunition column which at present does not exist. Let me now refer to some of the objections which have been raised. My hon. and gallant Friend the Member for Sussex was the first to refer to the ammunition column, and my hon. and gallant Friend who just sat down has pointed out that it will be weakening the Artillery to turn 14 batteries of Field Artillery into ammuninition columns. I explained the other day that that is what we have already done. As at present we have no ammunition column; if it is necessary to send the Army abroad, we have practically to break up the field batteries. It is now proposed to establish ammunition columns solely for this purpose, that we may be able to send an Army Corps into the field in any sudden emergency without undue delay. If we are to have a little time, and to be supplied with the necessary funds for the purpose, I undertake to say we shall be able to send out an Army Corps, and at the same time to retain field batteries for effective service, either at home or wherever they may be wanted. My hon. and gallant Friend also called attention to the fact that the batteries of the First and Second Army Corps are not fully equipped, either with horses or men; and, he added, that if we were called upon to act in any sudden emergency we should experience great difficulty in fully manning these Corps. I admit that to the fullest extent. I can only say what I have already said, that if Parliament wishes to have these two Army Corps put upon a war footing, it must be prepared to supply the War Office both with men and money. On no other condition should we be able to carry out the work; but I do not think Parliament will refuse when it is asked to supply those means which are not refused in other countries. I may say that the steps we have taken, although they have met with the greatest hostility from my hon. and gallant Friend behind me, will greatly increase the fighting power of the Army, and will enable us to take the steps which have been advocated in this House year after year, but to carry out which nothing has hitherto been done. It is also intended to provide the nucleus of an Army Transport Corps in connection with every regiment in the two Army Corps, that being one of the primest necessities of the Army. All I can say as to the

Commissariat Department is that it will be carefully inquired into, and I hope and believe that the inquiry will be made in the course of the current year. The object will be totally to re-organize the system so as to make it very much more efficient, from a fighting point of view, than it has ever been before. We hope to take other steps. We believe that even out of the present Estimates we shall be able to do a good deal towards putting the First Army Corps in a state of readiness, so that it may be able to take the field at a moment's notice. It must be remembered that our Army, after all, is a very small one, and that it is the duty of the War Office to so utilize it as to make every man in it of value, and every portion of it applied to the most effective purpose. That is what we really want—namely, to secure that every man in our small Army shall be applied to the most practicable and the most useful purpose possible—that every man shall be acquainted with the particular purpose to which he is to be applied. In carrying out this object, a heavy responsibility lies on the Secretary of State for War; but it is one from which I do not shrink, and one which I will endeavour to discharge to the utmost of my ability. I am quite certain that if any Secretary of State for War, on coming into Office, can satisfy Parliament that his object is to make our small Army useful for all the purposes for which it is intended, he will have no difficulty in inducing Parliament to supply him with the means.

Sir HENRY HAVELOCK-ALLAN (Durham, S.E.): May I be permitted to say that I congratulate the right hon. Gentleman very much upon the course he has taken. It is, I believe, the first instance in which the Representatives of this House who are especially interested in military matters have been assembled upstairs in order that the Government might lay their proposals before them. Such a course will, I think, tend to shorten the debate in Committee, and to bring the views of hon. Members best qualified to form an opinion forcibly before the right hon. Gentleman. As far as the reduction of the Royal Horse Artillery is concerned, the essential points of which have been so ably laid before the Committee by my hon. and gallant Friend the Member for North Lambeth (General Fraser), I regret that the right hon. Gentleman should have announced his final determination to adhere to the decision at which he has already arrived. We had reason to believe that it was still open for consideration, and that, after a discussion here, the War Office might have been induced to come to another decision in the matter. The right hon. Gentleman told us, as we have been told before, that the opinion of his military advisers has strengthened him in making this reduction, although I believe there has been no step which has been more universally condemned by the whole military opinion of the country. But I think the right hon. Gentleman must have been altogether misinformed if he supposes that even at a moment when military officers have felt themselves professionally obliged to condemn the change about to be introduced, they will be induced to turn from the strict path of the lines laid down by military discipline, or to get up anything which may bear the slightest semblance of agitation against the scheme. I am one of those who have taken a humble part in pressing reasons and arguments against any reductions of the Royal Horse Artillery upon the right hon. Gentleman as strongly as possible. I have therefore been brought into contact with other general officers; and, I believe, the right hon. Gentleman is entirely misinformed as to their feeling, for I have seen nothing but the strongest indications of dissatisfaction. I am not going to repeat again the arguments which have been so strongly put by my hon. and gallant Friend opposite (General Fraser). He has made the question his special study, and I think he has acquitted himself in a way which reflects the utmost credit upon him. I believe that further argument on our side is needless; the question is well understood in the country, and our views have been endorsed by the public Press in every direction; and, therefore, the only persons who remain in favour of the scheme of the War Office are certain unnamed military officers, although who they are I have not been able to make out, after the most minute and careful inquiry. I am in possession of the opinion of all the officials of the Horse Guards and the War Office, although I will not name them or the offices they fill, and with the exception of one general officer who is understood to be the originator of the scheme, I have not been able to find a single individual, high or low, who is not prepared to express his strong condemnation of the step the War Office were about to take. The reason why I now speak on this subject is, that when the matter came under discussion half-an-hour ago, I was under the impression that the step had been finally taken, and in that case it would have been unnecessary to make any further allusion to it.

MR. E. STANHOPE: It has been taken.

SIR HENRY HAVELOCK-ALLAN: I am extremely sorry to hear the right hon. Gentleman confirm my fears upon that point. But even if the decision should be reconsidered, I believe that at the eleventh hour it would not be an easy matter to call these batteries again into immediate existence. I want to impress upon the right hon. Gentleman the Secretary of State for War that he is now taking a step in the name of economy which, instead of being economical in its results, will lead, in my opinion, to the most extravagant and wasteful expenditure that can be devised. Supposing in 12 months it should be necessary to reinstate these batteries, I venture to say that the saving, which the right hon. Gentleman thinks would be effected would be exceeded four times in amount in the attempt to re-establish them, and that they would be re-assembled with a degree of efficiency so minimized that there could be no comparison between it and their present state of efficiency. I repeat that it is the most wasteful and extravagant proceeding I have ever heard of. The right hon. Gentleman tells us he is only following the precedent of foreign armies in preserving the Horse Artillery on a small footing at this time, and reducing the number of guns from six to four. But, in saying that, he is instituting an analogy which is utterly and entirely inapplicable in the case of our Army. In Austria, France, Germany, and Russia there is a well-constituted and efficient system of reserve for horses, extending over all parts of the country, and in the cases of Artillery there are numerous Reserves, amounting to thousands of men, perfectly trained and kept up in their exercises, so that on any emergency, they can be brought in to swell the batteries from four to six guns. In our system there is nothing resembling that. To talk of filling up these batteries with our Reserve Artillery men appears simply ridiculous to those who are acquainted with the matter. On going back to civil life, the men lose nearly all their riding and driving, which in the Horse Artillery has been raised to the position of a fine art. Therefore, I say, to talk of analogy in this respect between this and foreign countries, is a thing so ludicrous, that, as I ventured to say before, it approaches to something in the nature of a practical joke. I suppose we must consider that this matter is at an end; but we military Members, who are strongly impressed with the fatal nature of the step that is taken, have discharged our consciences; we have, at all events, the satisfaction of knowing that, with the exception of this shadowy individual, who has been referred to, we carry the whole country with us. Having said that and stated our views, I do not desire to go further in the matter, because I can assure the right hon. Gentleman that I do not wish to embarrass him in the slightest degree, but, on the contrary, to give him every aid in the task which he has taken upon himself. The right hon. Gentleman already, during the short period he has been engaged at the War Office, has given us the assurance that he will equal, and even exceed the records of many of his Predecessors; and, therefore, it is not with any contentious feeling that I express my regret that he should have been led to take this step. Our protests have been made against a measure which, we are told, it is no longer in our power to reverse, but which we believe to be most mischievous. Having recently returned from abroad, and having had long experience of the military system of every nation of Europe and that of America also, it seems to me that, in view of the possibility of having to make a sudden demand for a large development of our military forces, either for the defence of our Indian possessions, or on account of contingences which might take place in Europe, this is the very worst moment that could have been chosen for taking this step. But I would beg to be allowed to draw the attention of the right hon. Gentleman to that which I conceive to be the next important step to be taken. The hon. and gallant Member for the

Fareham Division of Hants (Sir Frederick Fitz-Wygram) is the man best qualified to speak on this question, and, therefore, I shall only touch upon it. It is no secret that the condition of our Cavalry, as regards their power of rapid expansion, is unsatisfactory; the officers and men of the force are undoubtedly all that can be desired; but as regards the power of expansion and the supply of horses, it is probably in a lower condition than it has been for years. I have long been the advocate of the foreign system, by which a sufficient supply of horses is obtainable. We have nothing amongst us approaching to that system. It is true that there is a skeleton depôt for Cavalry at Canterbury, which, it appears, supplies the demands which arise in our Indian Service; but it is no exaggeration to say that if a sudden demand were made upon us, even such as was made in the Egyptian Campaign of 1882, to say nothing of any European contingency, which would, of course, be a much more serious matter, we could not at the present moment put three complete Cavalry regiments into the field; and to do that, it would be necessary to draw from every Cavalry regiment in the Service, so that you will have nothing approaching a Reserve behind it. I do not want to dilate on this subject longer, because the hon. and gallant Member for the Fareham Division of Hants, who has filled the post of Inspector of Cavalry for years, will deal with it, and I know that when he gets up we shall have a full supply of details. I will, therefore, in conclusion, beg the right hon. Gentleman early and earnestly to direct his attention to this matter. I say this with the desire to aid him in achieving a brilliant success; and I assure him that if he can succeed in putting our Cavalry on a footing of efficiency with the two other arms of the Service, he will have accomplished more in the direction of a most necessary and valuable work of Army reform than has been achieved during many years past.

Sir FREDERICK FITZ-WYGRAM (Hants, Fareham): The question of reduction of the Horse Artillery has been very fully discussed, and I do not propose to deal further with that subject. But I have another subject before me to which I desire to direct the attention of the Committee, and to which the right hon. Gentleman the Secretary of State for War (Mr. E. Stanhope) has alluded —namely, the absolute necessity which exists for increasing the number of trained men in garrisons for the service of our large new guns. That necessity arises from the great weight of modern guns and the machinery connected with them. In the old days, in case of siege, infantry were used for working guns; but that cannot be done at the present time with modern guns under existing circumstances. We have been told that these guns cannot be worked except by thoroughly trained men. My idea is that the Infantry regiments ought to be trained under a full course of instruction in the loading and management of garrison guns. The knowledge of this cannot, of course, be gained on the emergency, for, as the Committee will be aware, it takes a long time to teach men what they have to do. It would take a considerable time to put the men through the course. Now, there are two classes of instruction—first the laboratory course through which gunners have to go, and which can only be gone through at Woolwich. It embraces technical and scientific knowledge. That course I do not think adapted to Infantry regiments. The second class of instruction relates simply to the working of the guns when in position, and that course I believe may be thoroughly learned by Infantry regiments. I do not propose that the whole of the regiment should be taught, because there are in all regiments a number of stupid men who are incapable of being so instructed. There are, however, in all regiments a number of intelligent men fond of machinery; and I think if, say 15 per cent of the regiment were taught, the result would be in every way satisfactory. To effect this, I think three or four months, with two hours instruction a-day, would be necessary. It cannot be expected, however, that men would give up their time without payment, and I think that about 1*d.* a-day per man would be sufficient. Taking the number of men at 120 per battalion, this would cost, in round numbers, 10*s.* a-day, which, with a slight extra allowance to non-commissioned officers, would amount to £200 a-year; that sum, multiplied by 100, the number of the battalions, would make £20,000 for the year; and I believe that for this sum, by utilizing your

Infantry soldiers in the way I have described, the Nation would have the advantage of possessing 10,000 men thoroughly and completely trained in the working of the guns which are now placed in our forts. I am aware that this scheme can only be carried out when these Infantry regiments are in fortified places; but I think, in due time, the whole of our Infantry regiments might pass through the course I have described. In the meantime, I may point out the whole cost of the arrangement would not fall at once upon the Exchequer. It is said, by way of objection to this proposal, in the first place, that the Infantry men would lose their practice when not in forts; but I think that might be avoided by the Secretary of State for War placing one large new gun at the head-quarters of each Infantry regiment. In the next place, it is said that there would not be time, in these days of short service, to put the men through the course; but I know something of the practice in Cavalry regiments, where numbers of the men are spared for various purposes, and I think that if the men of a Cavalry regiment can spare five hours a day in stables, it is only reasonable to believe that an Infantry regiment can spare 15 per cent of the men to be put through the course I have suggested. There is another subject cognate with this to which the right hon. Gentleman the Secretary of State for War has slightly alluded to—namely, the value of Volunteer Artillery. At Portsmouth —and, I presume, also in the neighbourhood of our other fortifications—there are large and excellent corps of Volunteer Artillery, who only learn and practice with the old smooth-bore 64-pounder. It seems to me utterly absurd that they should be restricted to obsolete guns and obsolete practice when there are in our modern forts new guns, and when there are also Royal Artillery officers in the garrison who are perfectly able and willing to train the men in the use of these weapons. I admit there would be the cost of providing the ammunition for the practice, but that would not amount to a very large sum. Then there is another question connected with the Artillery which I wish to bring before the Committee. The Field Artillery are no doubt a most valuable branch of the Service; but less valuable, I believe, than they might be made. In the Field Artillery only a certain proportion of men are taught to ride and drive, whereas it seems to me that every man who joins should be put through a course of instruction in the riding and driving school. It seems to me absurd that, in a corps where there are waggons and horses, and all the means of instruction in these respects, there should be a single man less useful than he might be. Then there is the question of the Cavalry pioneers. In modern warfare, I believe Cavalry pioneers to be invaluable. The work of pioneering is hazardous, I know, but you will always find men ready for that in every regiment, and it is impossible to see the extent of mischief that may be done to the enemy by these men in the destruction of telegraph wires, railways, engines, bridges, and so on. We all know that, in the present day, wars are carried on at a great distance from the base, and, therefore, offers great facilities for the destructive operations of well-trained mounted pioneers. At present there are 16 pioneers in every Cavalry regiment; they are sent to Chatham for their training; the men come back well trained, undoubtedly—and I have nothing to say against the system in that respect—but when they return to the regiment they do not practice, and the reason of that is, that they get no extra pay for the work. You cannot get men to go out an hour a-day unless you give them some remuneration. I ask the right hon. Gentleman the Secretary of State for War to take this into consideration—to give 16 men in each regiment 1*d.* per day, say, in all, 2*s.* per day, £36 per year per regiment, which for 30 Cavalry regiments would give a cost to the State of £750 a-year. No doubt the Cavalry are very expensive; but it is not worth your while to render them less effective than they might be if this comparatively small sum of £750 a-year were expended upon them. The Army Estimates amount to £18,000,000 a-year, and it seems to me cheeseparing to hesitate to hand over these small sums for the purposes I have described. I know that many in high quarters attach great importance to numbers; but I value more than that the efficiency of each individual man. I say, reduce numbers if you will, but in the name of common sense give the money which will make the men you have as thoroughly and practically efficient as they can be. The hon. and gallant Member for South-East Durham (Sir Henry Havelock-Allan) has appealed to me to make some observations on the subject of Cavalry re-organization. I dealt with that subject when the House was considering the Army Estimates at an earlier period in the Session, and I will not, therefore, repeat all that I said on that occasion. I believe that a re-organization of our Cavalry is absolutely necessary. All our Cavalry regiments are too weak for the purpose of war; we have far too large a number of units. I agree that the Cavalry regiments ought to consist of five squadrons at least—not the depôt squadrons which the hon. and gallant Member for South-East Durham spoke of, as existing at Canterbury, but five effective squadrons, four to go abroad in case of war, and one to be left at home. I know that remarks of this kind are distasteful; but it is our duty to point out to this House and to the Secretary of State for War that this plan is absolutely necessary for the efficiency of the Cavalry branch of the Service, and on the whole the most economical means of effecting improvement. What I ask, with regard to the Cavalry would, I believe, cost nothing to the country; and I believe also that the Indian Government would only be too glad if the Home Government would consent to the increase in the case of the Indian regiments, because they know that regiments of a certain strength are more effective and more economical than weaker regiments. Allusion has been made to the supply of horses which it is said we cannot get. With regard to that matter, the facts are very simple; the breeders will never rear more horses than the trade of the country requires. Horses are unlike boots and shoes, they cannot be kept in stock; and when they are produced they must be sold by the dealer at the price he can get for them. I have myself looked into this matter, and I may mention that the noble Marquess the Member for Rossendale (The Marquess of Hartington) placed me on a Committee some time ago, and the result of our investigation was to find that the same state of things which exist in England occurs in almost every country in the world—that is to say, there is, beyond the actual requirement of the trade of each country, no stock of horses fit for bit or bridle. I believe that something like 5,000 horses might be got in this country without much trouble; but when you have taken up the whole number in the hands of the dealers you would not be able to get the number which would be required in case of war. In the course of my inquiry, I was informed by the managers of the London General Omnibus Company that nothing would induce them to part with more than two per cent of their stock of horses. In short, I am of opinion that nothing you can do will create a supply of horses in excess of the number which the trade of the country will support. The Committee will remember that some time ago a Commission went to Canada for the purpose of ascertaining what horses could be obtained there; they went to Canada, as I have said, and they brought back 73 horses. When the Commission returned, I asked one of the members if he could get 1,000 horses in Canada. He said that he could not. I then asked him if he could get 500, and I think his reply was that he might get about that number. I must confess that the result of my inquiries is that in case of a great European war, I believe we should have the greatest possible difficulty either in mounting the Cavalry, or in getting the necessary draft horses for the Royal Artillery, Engineers, and Transport Corps. I am glad that the right hon. Gentleman the Secretary of State for War has conceded a certain amount of Transport to Infantry regiments, and I look upon that as one of the best steps taken for many years. When the Egyptian War broke out, Infantry men were sent down to Aldershot for three days training in the art of saddling and tending horses; but, of course, when they landed in Egypt they were found to be so totally ignorant of the duties required of them that the transport broke down. Finally, I am glad to hear that there is to be a certain number of mules kept in stock. These are very useful animals, but somewhat difficult to manage. It might be well that some provision should be made in respect of camels, having regard to the enormous loss of these animals which occurred in Egypt—but that, of course, would be impossible in this country.

COLONEL EYRE (Lincolnshire, Gainsborough): With the indulgence of the Committee, I wish to make some observations on the subject of the Horse Artillery. In doing so, I feel that I shall be not only acting fairly to my constituents, but to a great many of my brother officers outside the House. Not having been an Artilleryman myself, I shall not enter into any details; but I may, perhaps, be allowed to express an opinion on the subject generally, which I think will be a correct one, having served with the Rifle Brigade throughout the Indian Mutiny. In the first place, I will give, not my own, but the opinions of high authorities with regard to the value of Artillery in Asiatic warfare. Sir Colin Campbell—afterwards Lord Clyde—took care that, as far as lay in his power, to every column which was formed there should be attached a body of Horse Artillery; and so important did he regard this, that he gave directions to every column that whenever they attacked any fortified place they should first bring Artillery to bear upon it. Passing from the opinion of Lord Clyde on this matter, I will quote from some correspondence and papers relating to the East India Horse Artillery during the time of the Indian Mutiny—in the years 1857 and 1859—when a great change had to be carried out with regard to that branch of the Service. Military letter from the Court of Directors to the Secretary of State for India, No. 123, dated July, 1857, has this passage—

> "As no doubt whatever can be entertained of the necessity for an augmentation of this important arm of the Service, we are of opinion that no time should be lost in collecting the means for rendering it effective at the earliest possible period."

I will now read an extract from a Minute of the Governor General of India (Lord Canning), dated 9th of August, 1858, which says—

> "I do not believe that any reduction worth counting can safely be made. With every allowance for the greater trustworthiness and, in some respects, greater efficiency of European Artillery, the ground which has to be covered is the same—I see no hope of a diminution of the aggregate Force."

Another good authority—Brigadier General Jacob—said—"The strength of the Artillery should be increased." Sir J. L. Lawrence also said—

> "The value of Artillery is, perhaps, greater in Asia than in any other part of the world. Guns are objects of intense fear to the Natives of India. A small European Force with a powerful Artillery would be irresistible."

This Minute of the Governor General of India is dated the 24th of August, 1858. Another Minute says that—"At the end of a march the active exertions of Artillery are needed;" and I am in a position to bear that out from my own experience, because at the end of a long march it is impossible for the troops to move, and it is necessary that you should be able to send off at once some guns to the spot where they are required. Another Despatch of the Military Department, No. 644, says—

> "The Government in Council instructs me to recommend earnestly that the subject of the total inadequacy of the strength of the Artillery may receive the serious consideration of the Governor General of India."

The date of that is the 26th of February, 1857. Then we have a letter from the Adjutant General of the Army to the Government Secretary to this effect—

> "I am directed to state that the Commander-in-Chief cannot too earnestly press upon the attention of the Government a third time the subject regarding the total inadequacy of the strength of the Corps of Artillery."

That is dated the 14th day of February, 1857. Again, Despatch No. 804, dated the 10th of March, 1857, from the Secretary to the Governor of Madras to the Governor General of India, says—

> "I am directed to forward you a letter from the Quartermaster General of the Madras Army urging the necessity for an increase in this branch."

Then there are in a Memorandum by General Beresford, dated the 29th of August, 1857, these words—

> "I would urge that no consideration of expense should in any way be allowed to interfere with efficiency in so vital an arm as the Artillery."

And, finally, the Commander-in-Chief in India referred, in a Minute of the 19th of August, 1857, to the hesitation to increase the Artillery as "straining at a gnat and swallowing a camel." I think I have brought forward enough statements on the part of those in authority to show how important and how valuable the Artillery was considered to be in Asiatic warfare. If there should be war again, the probability is that it will arise in some part of Asia, and therefore I venture to say that we should not have decrease in the number of our Artillery, but rather that there should be an increase. The right hon. Gentleman the Secretary of State for War has, in the course of his remarks, expressed the hope that if any Member of the Committee had in his mind any ideas that would tend in the direction of economy, they would be stated. I wish to call attention to one point on which I think that economy can be effected, and I refer to those expensive luxuries, Brigade Depôts, in connection with which I believe that a stroke of the pen would have the effect of saving a considerable sum of money. I think, then, that each brigadier should be responsible for everything which goes on in his brigade, and cease to be what he undoubtedly is now—a nonentity. I will give an instance or two of what is continually occurring. A short time ago my servant had occasion to ride a short distance to the Brigade Depôt in Derby to ask for a military surgeon to be sent to an ambulance corps which I have; he received a letter saying that my letter would be forwarded to York, and after considerable delay it arrived at last at the proper place. I say that all this is absolute waste of time, and I cannot see why the brigadier should not have sent the surgeon to the barracks on his own authority. In another case, the adjutant wrote to the Brigade Depôt at no great distance to ask for a surgeon to come and examine an animal that was sore. The letter went from the adjutant to the Major General commanding the division at York; from him it went back to the Brigadier, from him to the adjutant of the Volunteer regiment, asking him to fix a day. When this was done, it went again to Derby, and the result was that, instead of a surgeon being sent from Derby, the county had to pay for a surgeon coming all the way from Birmingham. I suggest that, instead of economizing by cutting down the strength of the Artillery, we should begin by making necessary reforms in such matters as I have referred to. I earnestly trust the right hon. Gentleman will give his attention to these points, and I shall be most happy to assist him in case of need with the statistics and correspondence with which, as commanding officer, I am flooded.

Colonel Eyre

COLONEL NOLAN (Galway, N.): I wish to point out, with regard to what has fallen from the right hon. Gentleman the Secretary of State for War (Mr. E. Stanhope), that the increase in the number of Garrison Artillery is only an increase in the Reserve, which is an extremely different thing from an increase in the strength of the effective. The hon. and gallant Baronet who represents the Fareham Division of Hants (Sir Frederick Fitz-Wygram), like the right hon. Gentleman the Secretary of State for War, also dwelt on the necessity of increasing the number of Garrison guns, and of having a sufficient number of well-trained men to work them. The hon. and gallant Baronet proposed that a certain number of Infantry men should be instructed in the management of garrison guns. That proposal appears to me a strange one, because, from what I have seen of Infantry soldiers, I venture to think that they are not the class of men who are best fitted for work of that kind. I suggest that you will get a sufficient number of men to work the guns in this way—that you should have a separate class of men in the Garrison Artillery, amounting to, say, one-third of the total number, who should bear the same relation to ordinary gunners as the A.B.s bear to ordinary seamen. Now, the only way that you can secure that is by giving a certain number of the men a higher rate of pay when they show proficiency in the management of the complicated machinery connected with some of the new guns, such as hydraulic buffers and the various moving gear, all of which complicated machinery requires for its handling skilled workmen, and not ordinary soldiers. I think some recognition of this fact ought to take place, and that an efficient body of Garrison gunners should be established, which, in my opinion, could be obtained, as I have said, by the increase of pay. This matter, which is one of great importance, I think, is well worthy of the consideration of the right hon. Gentleman the Secretary of State for War, who, I am glad to see, is alive to the importance of improving the Garrison Artillery. I do not state this on my own opinion alone, but from my knowledge that the plan is one which commends itself to a large number of Artillery officers. The right hon. Gentleman stated that a certain number of our batteries of Artillery ought to be kept on a peace footing; and there I agree with him, because I could never understand why this country should be the only one which keeps its Artillery on a war footing. No doubt, it would, from an effective point point of view, be better that the Force should be kept on a war footing; but the question is whether it would be worth the money you would have to pay for it. Therefore, although the proposal of the right hon. Gentleman is one which would not commend itself as a general rule to Army men in this House, yet, I think, he is quite right in saying that the whole of our Artillery ought not to be kept on a war footing. I must say that, in my opinion, the Secretary of State for War is making a great blunder in the matter of the Horse Artillery. The right hon. Gentleman pointed out that it was his duty in this matter to choose his advisers—and I have no doubt that he endeavours to obtain the best advice possible in matters relating to his Department—but on this occasion I do not think he has been well advised, nor do I think that the country will be satisfied with a Minister of War who relies upon technical advice only. The country wants a little more than that; and they will hold him responsible, notwithstanding the trouble he takes to get the best advice, if mistakes are made. I think I can see the way in which the right hon. Gentleman has gone wrong in connection with this subject. There is a new plan in the heads of the War Office Authorities. It is to have the Corps modelled on the Continental system—to have two *Corps d'Armée.* The new idea is to have 70,000 men ready to be sent away at a few days' notice. The proposal of the right hon. Gentleman seems to point to the reduction of our military strength for the purpose of making these *Corps d'Armée* perfectly efficient. I would point out to the right hon. Gentleman that military advisers are often very unsafe guides. They will try to make the Army efficient, no doubt; but then they have very little idea of the cost which is involved; and although I do not believe that the country would care about the ultimate cost, provided that efficiency were obtained, yet the advice which has the effect of placing a large additional sum upon the military vote is not likely to be held in high estimation by the Minister of War. I believe that if you have two efficient *Corps d'Armée* only the people will cry out that 70,000 are too few, and that you will have to establish a third *Corps d'Armée.*

Mr. E. STANHOPE: It is not proposed to reduce the strength of the Army outside the two Army Corps of the Reserve in any case.

Colonel NOLAN: I am very glad that the right hon. Gentleman the Secretary of State for War has given that explanation, because it shows how very important it is that our Army should not be reduced to two *Corps d'Armée.* I point out, however, that the right hon. Gentleman has taken the first step in this direction; he has struck at one arm of the Service, although he has not more Horse Artillery than is sufficient for two *Corps d'Armée*, and his proposed reduction will have to be joined with reductions in other arms, and the Cavalry, for instance, may have to be reduced. You are, at all events, striking at the very arm which it takes longest to create; and which, on an emergency, it will be impossible to improvise. It is not an easy matter to produce Garrison Artillery, but it takes months and years to produce efficient Horse Artillery. I think that this plan ought to be very carefully considered by the public. The Corps will, no doubt, be very good and efficient in the main, and they are sure to be excellent on Paper; but if you are going to have them at the expense of the Military Establishments of the country, I think you are buying them too dearly. The fact that these Corps are to be ready at a moment's notice shows that you are keeping up your Army for offensive purposes. But suppose that your two *Corps d'Armée* were sent abroad, and that they surrendered, you will have no Horse Artillery at home, and in that respect you will be at a great disadvantage. Anyone can see that it is a very rash thing to destroy that which has been created at great expense, and which it takes a long time to replace. It is an easy thing to cut down the tree which is many years in growing. What the Government are doing suggests something very like the act of a man who, having furnished his house at great cost, breaks up expensive chairs and tables for use as firewood. But what is to be done with the men of the batteries?

Surely the right hon. Gentleman is not going to turn them into Garrison Artillerymen? Probably they will gradually be brought back when they have lost some of their efficiency and smartness. On the whole, I think the right hon. Gentleman has been led into taking a step which, besides doing a considerable amount of injury directly and indirectly by unsettling men's minds, will prove in the end to be a very costly one. There is another subject which has not been referred to except by the hon. and gallant Member for the Fareham Division of Hants, and on which I wish to make a few remarks. I refer to the expedition to Canada for the purpose of buying horses. That is a step on which I think the opinion of the Committee ought to be taken, because anything more contrary to military and political economy I cannot conceive. You go 2,000 miles to try to open up a new supply of horses, a new market as you say, but nothing can be more unfair to the people of this country. Instead of trying to open a new market in Canada, you should increase your price and then—although you might not get what you wanted in the first—you, in a year or two—you would be able to get plenty of horses. These horses from Canada cannot be landed here at a less cost than £60 or £70 each. It has always been the theory that a country in time of peace should get as many horses as possible from internal sources, although in time of war the more horses bought in foreign markets the better, because you prevent the enemy getting them. I think the mission to Canada was a most ill-judged measure, and I should be glad if some hon. Member would move a reduction of this Vote as a protest against what I consider a most unfair proceeding towards the horse breeders in the country.

Sir FREDERICK FITZ-WYGRAM: The object of the Commission sent to Canada was to test the market in case horses should be scarce here, and to get a small number of horses sent over for the purpose of seeing whether or not they were suitable for military service.

Mr. TOTTENHAM (Winchester): I shall not trouble the Committee with a repetition of the figures and arguments that have been used against the reduction of the Horse Artillery; I shall say nothing further than that I agree with all that has fallen from previous speakers on the subject, and express a hope that the country will not have cause to regret a step which I believe is fatal to the efficiency of the Horse Artillery as an arm of the Service and detrimental to the interests of the country. We have had the cases of two classes of officers brought before the Committee by the hon. and gallant Gentleman opposite, that is to say of the paymasters and quartermasters. I am glad to hear the right hon. Gentleman the Secretary of State for War (Mr. E. Stanhope) express his opinion that there is justice in the case of the paymasters, and that in all probability their grievance will be removed. I should have been more glad to hear that the quartermasters would be given something more than honorary rank, and that the concession would have been more of a financial character; and that, I think, is the point of view from which the quartermasters themselves will look at the matter. But the class whose claims I wish to bring before the Committee is that of the present commanding officers of regiments and battalions. Within the year 1886-7 there will have been no less than 107 of these officers relegated to half-pay, and of these six will have been in command for little more than a-year, 87 between one and two years, and 14 between two and three years. Previous to 1871, the period of command was practically unlimited. From 1871 to 1881 the period of command was fixed at five years, from 1881 to 1886 the period was fixed at four years, and it was also provided by the same Royal Warrant that, after having served five years as a lieutenant-colonel, whether second or first in command, the officer should be placed on half-pay. Now, a new Royal Warrant has been issued within the last few months, by which it is enacted that in future an officer shall command his regiment for four years, no matter for what length of time he may be second in command. This is a sensible and reasonable arrangement; but because that arrangement has been made in the case of future commanding officers there appears to be no reason why officers, who are now commanding regiments, should be relegated to half-pay, and practically put on the shelf for the rest of their military lives any more than those who are to have command for four years in future. It has been said that one reason for doing this is that it is hard, or would be hard, upon those who have to succeed to the command; but I maintain that it is no harder upon them now than it was previously to 1881, and that officers would actually succeed now to the command of their regiments in a shorter time than they would previously to 1881. Just as an instance of the hardship that has been done certain officers, let me name one or two out of the long list of cases which has been prepared by officers who are interested in this matter. I take the case of the officer commanding the present 10th Hussars: he was 25 years in the Service before he got command of his regiment; he was five years second in command, and under the existing regulations, under the Royal Warrant of 1881, he lost his command after he had been one year and five months in possession of it. Then I take the case of the officer commanding the Duke of Cornwall's Light Infantry: he was 29 years in the Service before he got command; he was five years second in command, and he will have been but one year in command of his regiment when he has to retire on half-pay. The whole 107 I have mentioned are similar to these, varying only in degree. Now, I say it is hard upon these officers that they should lose what all officers look forward to as the reward of their exertions—namely, the command of their regiment. It is no argument to say they have been second lieutenant-colonels, or second in command. Everyone who is acquainted with military life knows that the second in command is only the second fiddle, that he has no status at all in fact, that he hardly considers himself in the position of second lieutenant-colonel, and that often he is very much better off without the rank, and very much in the way. I hope the right hon. Gentleman the Secretary of State for War will be able to tell us that the position of these officers will be reconsidered by him. These officers have been selected for the command of their regiment as efficient and properly qualified officers, and there seems to be no reason whatever why they should be punished for the benefit of those who have to succeed, if really it is for their benefit. I hope before this Vote is taken that the right hon. Gentleman will be able to give us some assurances that this matter will receive his consideration. There is one other point I should like to lay before the Committee, and that is in reference to the Question which was asked by myself of the Secretary of State for War within the last few days—namely, the strength or establishment of the two Army Corps which are about to be formed. We were informed by the right hon. Gentleman that he was about to lay a Paper upon the subject on the Table of the House; but I very much fear from the Answer to another Question in regard to the strength of the batteries which are to remain in the Horse Artillery, that the establishment of these Army Corps is to be a peace establishment. If that is so, it is simply continuing the present childish system of skeleton regiments at home. It cannot be anything else. The regiments will be actually incapable and inefficient to take the field. If we want any instance of the condition in which our regiments are when suddenly called upon for service, we have only to recollect the state in which they were in at the time of the outbreak of the Egyptian War. Two Cavalry regiments had to be entirely broken up to form two squadrons for the Egyptian War. We have the case of other regiments which were sent during the same period to the Mediterranean, one half of them never having gone through a course of musketry, and more than half in some cases being under one year's service. I hope that will not be the state in which these two Army Corps are to be left. I trust my right hon. Friend will be able to assure us that the regiments which are to form the two Army Corps will, at all events, be kept at proper strength and in thoroughly efficient condition.

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) (Lincolnshire, Horncastle): There are just one or two matters to which I should like to refer at once. In the first place, let me say a word with regard to the question of the horse supply to which the hon. and gallant Gentleman the Member for South-East Durham (Sir Henry Havelock Allan) called attention. Although an experiment was made with regard to Canada by sending out an officer to see what amount of horse supply could be reckoned upon from that country, it is felt that the proper course for the War Office to adopt is to rely upon the home supply of horses, and not on any supply from foreign countries or even from our Colonies. I do not yet know what the result of the Canadian experiment will be; but when we receive a full Report, I want to make out in the fairest possible way the cost per horse. Then there are two subjects which my hon. Friend the Member for Winchester (Mr. Tottenham) has mentioned. The first is in regard to the position of the Army Corps. I am afraid I must ask him to restrain still further his natural impatience. I hope to present in a very short time full details of the composition of the two Army Corps. I am going through the matter myself at the present time, and I hope shortly to be able to lay before the House full details as to how the Army Corps are to be composed, so that the House and the country can judge for themselves how far it is likely that with a little more time given to us we can put the scheme into thoroughly practical effect.

Mr. TOTTENHAM (Winchester): Perhaps I may be allowed to say that I merely asked whether the two Army Corps were to be kept at a peace or war establishment.

Mr. E. STANHOPE: If I wanted to go into that subject, I should have to go into it at great length indeed. Then, my hon. Friend called attention to the question of retirement of commanding officers of regiments. I confess I have seen cases myself where very excellent officers, officers whose services the country ought to be sorry to lose, have, by the operation of this scheme, been compelled to retire from the command of regiments. I have been very sorry for them indeed; but, as my hon. Friend knows, the whole of this matter was thoroughly considered before the late Royal Warrant was issued. Those who were concerned in the framing of the Royal Warrant considered it in all its bearings, and they came to the conclusion that, on the whole, the rule laid down must be insisted upon. I am afraid someone or other must suffer. If you were to extend the terms of employment of lieutenant colonels, then majors must retire, and certainly I should be very sorry to see any further punishment inflicted upon majors. I have not yet had very much opportunity of looking into the matter; but I mean to do so, and if I find I can do anything to meet the views of my hon. Friend, I shall be only too glad to do it.

Mr. MOLLOY (King's Co., Birr): Mr. Courtney, nothing strikes one more in these discussions upon naval and military matters than the utter hollowness of the debates. A Minister, advised by no one knows whom, certainly by no military authority, takes a step which is of the most vital importance, comes down to the House without asking for an opportunity of taking the House into his counsel in regard to this step, and then thinks that if some hon. Members get up and grumble for five or ten minutes, that is all that is necessary. I entirely disagree with such a method of carrying on debates upon such serious subjects. The hon. and gallant Gentleman the Member for South-East Durham (Sir Henry Havelock-Allan), towards the close of his remarks, asked the right hon. Gentleman the Secretary of State for War (Mr. E. Stanhope) if the reduction of the Horse Artillery had been finally decided upon, and the right hon. Gentleman with great alacrity jumped up and said—"Yes, finally decided." Thereupon the hon. and gallant Gentleman said—"If that is so, it is not much use our discussing the matter." I am astonished at him, because if there is anything that the whole military opinion of this House, the whole military opinion of this country, is entirely opposed to, it is to the action which the right hon. Gentleman the Secretary of State for War has taken in regard to the Horse Artillery. It depends entirely upon the military Members of this House whether the Horse Artillery shall be reduced or not. Of course, if hon. and gallant Gentlemen come down here and think they have done their duty sufficiently in grumbling at what has been done, and declining to take any action which will give public expression to their opinions, they have no one to blame but themselves. I have taken some interest in this question of the reduction of the Horse Artillery, and I have come to this conclusion, that of all the unpatriotic actions that have ever been perpetrated by any Government this is the most unpatriotic. I do not at all wish it for one moment to be understood that I mean to say that it is the desire of the Government to be unpatriotic; but that, as far as its effects go, this step is the most unpatriotic act that has ever been committed by a Government in Army matters. Now, Sir, the English Army of all the Armies in Europe is the one that ought to have not only its full, but the fullest measure of Horse Artillery. Whenever you have a small Army like the English Army, which may at any moment be called upon to face some Continental Army, you are absolutely at a discount if you have not got your full measure of Horse Artillery, and more than your full measure. My hon. and gallant Friend the Member for North Galway (Colonel Nolan) mentioned, in speaking of the Field Artillery, that during the Franco-German War the French were able to get together some good Field Artillery in three months. I served in that unfortunate war, and I can assure my hon. and gallant Friend that he is entirely mistaken. Even after three or four months training our Field Artillery was not worth a straw. I will go further, and say that the greatest loss and difficulty which we experienced during the whole of that war was caused by the want of Horse Artillery. I will not detain the Committee by giving them examples, but I could give them examples by the score of our formations being peppered, our ranks broken, and every movement we had intended to take obstructed, owing to the rapidity and accuracy of the fire of the German Horse Artillery. Our want of Horse Artillery was felt during the whole war, but especially in the latter end. Men who had had long experience in military matters, my own chief, for instance, often said to me, in the course of our conversations, it was almost impossible to do anything owing to the want of Horse Artillery. Now, in the English Army you want, above all things, Horse Artillery; and, for the life of me, I cannot understand what object the Government can have in taking a step so fatal to the interests of this country as the reduction of the Horse Artillery. If it is a question of economy, how much will you save—do you save anything that is worth thinking about? As I understand, the total saving will be something like £4,000 or £5,000 per annum, and for this miserable bit of childish economy you are going to destroy a portion of your Force, which it will take you two or three years to replace. If you are ever engaged in an European war, you will assuredly find it necessary to replace these men; but that to do so will take you a very considerable time, at least two years. You will find that you have reduced this arm of the Service at a loss of life and loss of *prestige* in the earlier part of that war, for which nothing will ever repay you. Now, upon the question of economy, are there not plenty of Departments in which you could effect economy infinitely greater than this, and without in the least endangering the interest of your Service? If anyone had the time and the inclination to devote a week's study to the Estimates, they would find means of making reductions which would simply be appalling, and in the face of which this economy is a myth. Take the case of the Civil Service. I have it upon the authority of one who knows perhaps as well as any man connected with the Civil Service of this country what economies may be made without in the least injuring the Service, that if economies which should and ought to be made were made, the Government would be able to take off 1*d.* of the Income Tax. What is true in regard to the Civil Service is equally true in regard to the Naval Service, and especially in regard to the Army Service. I grant it is a good thing to have two Army Corps; I think it would be a good think if you had troops ready; I know that during the late Egyptian War your highest authority in this country said that if he were called upon to send another regiment to Egypt, he could not do so. So far as your Army Corps go, I am entirely with you; but I ask most seriously what is the object of reducing the Horse Artillery? You are going to turn them into Field Artillery; in two years time they will not be worth a straw for the purpose of Horse Artillery. Now, I do not believe that any step that any Government has ever taken cannot be retraced. I believe that if the military men will only take a firm stand in the matter, this Horse Artillery will be replaced in six months. The only way to give effect to the opinion of this House is to take a Division, and for that reason I propose, as a practical protest against this fatal step, that this Vote be reduced by the sum of £5,000.

Motion made, and Question proposed, "That a sum, not exceeding £2,993,000, be granted for the said Service."—(*Mr. Molloy.*)

MR. MALLOCK (Devon, Torquay): Though I regret very much the decision the right hon. Gentleman the Secretary of State for War (Mr. E. Stanhope) has thought it his duty to come to with respect to the Horse Artillery, I congratulate him on his determination to strengthen the Garrison Artillery. That branch of the Artillery is a very valuable Service, and it has not generally received the recognition that is due to it. I wish now especially to refer to the Volunteer batteries of Garrison Artillery —I do not believe they are receiving the training they ought to receive. This subject is of great interest to many of my constituents, and, having served in the Royal Artillery myself for 11 or 12 years, and for a greater part of that time in the Garrison Artillery, it is a subject in which I take very great interest. I believe that if the Volunteer Artillery were called upon for active service they would be required to garrison such places as Plymouth, Dover, and Portsmouth. Therefore, one would suppose that their training in time of peace would consist in working those guns which they would have to work in time of war. But what, Sir, is the fact? There are a great many Volunteer Artillery batteries who never see any gun larger than an old 32-pounder smoothbore, or a 64-pounder rifle gun. The training they get at these guns is no use whatever in working the heavier guns they would have to man in case they garrisoned these forts. It is true that a small percentage of every Garrison battery is sent annually into some of these forts; and I believe, too—at least it ought to be the case—that those Volunteer batteries who are fortunate enough to be situated within easy distance of forts where heavy guns are mounted have opportunities of working at these guns. But there are numbers of batteries who never have any chance whatever of learning their drill at the heavy guns—at the 12-tons, 18-tons, and still heavier guns, which are mounted at these forts. No doubt, to give all Volunteer Artillery the extra training I desire to see them have would entail some extra expense; but when I remember the vast sums that have been spent on our fortifications and our armaments, I think we ought not to begrudge the slight extra expenditure which would be involved in instructing these men in the duties they would have to perform if they had to take charge of these forts and the guns in them. I believe the requisite training might be given to them in one or two ways. Some 12 or 18-ton guns might be mounted somewhere within easy distance of two or three Volunteer batteries, so that they might have a chance of being able to drill with such guns; or a much larger percentage—say, 50 per cent—of our Volunteer Artillery might be sent into the forts yearly to learn their duty with these guns; or, it would be better still, if the whole of the batteries could be sent even once in two years. I believe the best policy would be that nearly all the Volunteers—at all events, the bulk of those who are close to any of these large towns where forts are situated—should be Artillery as far as possible; certainly every encouragement should be held out to Volunteers in the neighbourhood of seaports to become Artillery Volunteer Corps. A rifleman can have his weapon anywhere, and he can find drill grounds at any place; but an artilleryman's gun cannot be brought to him, therefore it necessary he should be taken to the gun. Unless he has sufficient opportunities of drilling with heavy guns he can never become a valuable soldier. It is not only with the object of learning his drill with heavy guns that he should be sent to these places, but also that he should learn the ins-and-outs of the various forts, that he should be acquainted with all the arrangements of magazines, and stores, and lifts, and the thousand and one other arrangements which are necessary for the effective service of the heavy ordnance in these forts. This subject may not be a very interesting one, but I believe it is one well worth the attention of the right hon. Gentleman the Secretary of State for War, and I am sure that the more opportunities the men of the Volunteer Garrison Artillery have of perfecting themselves in their drill and duties the more popular that branch of the Service will become.

COLONEL BLUNDELL (Lancashire, S.W., Ince): Mr. Courtney, I am anxious to say a word upon one point which has not been touched upon up to this, but which I believe to be equal in importance to anything that has been mentioned, and that is the reduction of the home battalions of Infantry. Those

Gentlemen of the Committee who are not connected with the Service must understand that, after all, the Infantry bears the same relation to the other arms of the Service that the joint bears to the other dishes of a dinner, that the Infantry is the main stay. Now, the home battalions of Infantry have been reduced to 730 men; before Lord Airlie's Committee evidence was given which showed that when a battalion was sent on service one-fourth of the men were found to be, from various causes, unfit for active service, that reduces the 730 men to 548. To complete the war strength of a battalion you have to put in 252 fresh men. Well, now, that means that the new comers are nearly half, at any rate, a good many more than one-third, of the men left in the battalion, a very serious matter indeed. And, when the Commtitee understands that, at the present time, according to the Report of the Inspector General of Recruiting, there are 350 men in each Regiment of only one year's service, they will see that, if the home battalions are reduced much more they will be very inefficient to go on service. When once the Secretary of State for War begins nibbling at the battalions, there is a great danger that the 30 men who are above the 700 will be cut off the next year. I strongly urge upon the right hon. Gentleman not to do that on any account. The Infantry, after all, is the most important body to us in our Army. It is true that our battalions have too many young soldiers in them, and it would be very desirable if men in the Reserve, as has been suggested, were allowed to reenlist. But if they do so, in my opinion, they should be placed under an enforced stoppage of pay, in order to provide their own retirement allowance. I believe we are fast approaching the time when every Government official, from the Prime Minister down to the policeman and the postman, must be subjected to a compulsory stoppage for retirement allowances, or else that the charge should be made *en bloc* against the accounts of the year, for the amount thrown upon futurity in the shape of pensions discounted is becoming something terrible to contemplate. Now, in regard to the Artillery question. The Horse Artillery batteries are really wanted as reserves for India, and it would be far better to keep them, even if they had to be dismounted in turn, than to disband them. I doubt very much the necessity for the proposed great increase of the Garrison Artillery. This country, hitherto, has always found that a good thrust is the best parry, and though it is very necessary that our coaling stations should be fortified, and that our ports should be fortified, I believe that the defence of these places may be left, to a very much greater extent than is supposed, to our Auxiliary Forces. I think the Secretary of State for War would do a great service if he induced Volunteer battalions in the neighbourhood of our forts and ports to be converted into Artillery. I will not detain the Committee longer; but I do strongly urge upon the Secretary of State for War the necessity of keeping our home battalions at 750 men if it is possible, and the other battalions at 850 men, because the experience of the last 20 years has shown us that our case is entirely dissimilar from that of foreign countries. Our battalions must be ready to go into the field at any moment, and we ought to be able to meet the wants of little wars such as we have had of late years without calling out our Reserves, except, perhaps, the last two years Reserves or the men of the Reserve who volunteer. We have been doing a most serious thing in regard to our Reserves; when the Reserves were first formed it was, I think, expected they would have to fight in a European war—say, once in a generation. Well, now we have had them out in whole or in part three times in little more than half that time. Now, that is a very serious thing; it prevents Reserve men getting employment in the country, and, therefore, is very detrimental to their interests. We ought only to call upon our Reserves in serious emergencies as was originally intended, and the only possible way of doing that is to keep our battalions at their proper strength. When our Reserves were first formed in 1870, Mr. Cardwell calculated upon having a Reserve of 60,000; the statement of the Secretary of State for War this year shows us that by the year 1894 we shall have 60,000 Reserve men. That means in five-sixths of a generation, after the number of 60,000 was fixed upon, and in that time the nation will have grown probably by 8,000,000 of men. I particularly want to draw the attention of the Secretary of State for War to this

The cost of maintaining our forces should be calculated upon the cost per head of the population. That is the only fair way of looking at the cost of our Force.

MR. E. STANHOPE: I am sorry my hon. and gallant Friend (Colonel Blundell) has been an exception to the almost universal rule in this debate, inasmuch as he disparages the increase of the Garrison Artillery. I can assure him there is no subject to which I have given more personal attention than that. I think there can be no question that the increase of our Garrison Artillery is the most important step that can be taken for the defence of the country, and I am satisfied that if my hon. and gallant Friend will give me a half-an-hour of his time I can show him that there are very important places which cannot be adequately defended unless this House consent to add to the Garrison Artillery. Now, as regards the other point, which has really been hardly discussed in this House to-night upon a proper footing. The real question is—whether Horse Artillery, or Field Artillery, is better for our purposes in time of war. The line I have endeavoured to take up, and in which I have been supported by military experts, is that you do want a certain proportion of Horse Artillery, but that for many purposes the Field Artillery is very much more valuable than Horse Artillery can be. They have a better gun, or they will shortly have about the best gun it is possible for Field Artillery to have. We believe that in time of war Field Artillery batteries will be more efficient, and able to provide a greater amount of gun power, than Horse Artillery will. There is, I think, a certain portion of our Artillery which must be capable of rapid movement—that portion, for instance, which is required to move with the Cavalry; but when you go beyond this portion, you will find that Field Artillery provides a better and more efficient arm, because it is able to work guns of greater power. But, having said that, I should like to appeal to the hon. Gentleman opposite (Mr. Molloy), who argues, as a great many other Members do, that we are making a great mistake in reducing the Horse Artillery, and that we are only doing so for the purpose of effecting a very small economy. What step has he taken? He proposes to cut down the Estimates still further—to reduce still further the sum of money we have for the purpose of all our various kinds of defence. I should be exceedingly sorry if that lame and impolitic step were taken to-night. I regret the proposal I have made and carried out has not been received by hon. Members with any favour, yet, at the same time, I cannot understand why hon. Members, who object to the reduction in strength of the Horse Artillery, favour a reduction in the amount of the Vote for the Army generally.

MR. MOLLOY (King's Co., Birr): The argument the right hon. Gentleman has just used I have heard used in this House for the last nine years. Whenever a Member of this House rises to protest against what he thinks an unwise step on the part of the Government, and moves the reduction of a Vote, the Government say—"Oh, your method of proceeding makes matters worse." If the right hon. Gentleman will tell me how we are to protest against an act, which certainly a large proportion of Members disagree with, except by moving a reduction of the Vote, I shall be very glad to put what he says into practice. If he would prefer it, I will merely move to reduce the Vote by £1—I simply make my Motion as a protest. Of course, there is no use in trying to conceal from ourselves the fact that my proposition to reduce the Vote has as much chance of being carried as I should have, if I so wished, of replacing the right hon. Gentleman by myself. I do think that it is necessary, in these matters, to get rid of the hollowness of debate which has been apparent so long; that we should publicly show our disagreement with the action of the Government, which we can only do by taking a vote on the subject. If I thought that my Motion had any chance of being carried, I would certainly not go to a Division, because the effect of its adoption would be to injure the Service still more. The right hon. Gentleman is far abler in these matters than myself, and I am satisfied that what he has done he has done from thoroughly conscientious motives; but the difficulty is this—that all the military opinions of the country disagree with the right hon. Gentleman. I do not know who the advisers of the Government are in this matter. The hon. and gallant Gentleman the Member for South-East Durham (General

Sir Henry Havelock-Allan) said he had made inquiries in every Department to find out who had advised the Government, but he had been unable to discover their advisers. The right hon. Gentleman the Secretary of State for War seems to be under the impression that the best thing the country can do is to strengthen its Field Artillery. Do that as much as you like; but if you are going to strengthen one arm of the Service by weakening another I must disapprove your action. For the sake of the paltry and miserable economy of £4,000 or £5,000 a-year you are going to disband that branch of the Service which is really the most useful you have in time of war.

COLONEL HILL (Bristol, South): So far from desiring to reduce this Vote, I personally should like to add something to it, to enable the Volunteer Artillery to acquire a proper knowledge of the working of the guns they will have to work in case their services are ever required. They have not at present that opportunity; they have to drill with guns that are distinctly obsolete; and it is rather discouraging to them that they should spend their time in learning that which is not directly applicable to the purpose they may be called upon to serve. There are some Artillery Volunteer Corps who have the advantage of being within reasonable distance of ports, and they have an opportunity of acquiring the knowledge they ought to have; but there are others. Take, for instance, my own regiment, which has within it 1,250 efficient gunners—which are situated very considerable distances from any large fort, and the only opportunity such batteries have of seeing the larger guns, and becoming at all acquainted with the interior of forts, magazines, and so on, is that afforded by being sent down to exercise with the Royal Artillery. These opportunities come very rarely, and they are seized by Volunteer officers, and I think that, if some money could be granted to give to the Volunteer Corps the opportunity of more frequently visiting large ports, the boon would be very much appreciated. It has been suggested by my hon. and gallant Friend the Member for South Hampshire (Sir Frederick Fitz-Wygram) that something might be done by placing these large guns at depôt centres. That, no doubt, would be something for us; we should have an opportunity of practising with such guns; but I have in mind a case in which it might be desirable that these guns might be so placed as not only to be valuable for drill, but for the defence of the country. I have in my mind particularly the case of the Bristol Channel, where a heavy gun would be of the greatest possible service in the defence of the roadstead; and, at the same time, be valuable for drill. I venture to impress on my right hon. Friend the Secretary of State for War the fact that the Volunteer Artillery are most anxious to do all in their power to acquire a knowledge of the modern guns, and to assure him that any assistance he may give in that direction will be very much appreciated.

GENERAL GOLDSWORTHY (Hammersmith): While I shall not vote for the proposed reduction, I wish it to be understood that I am opposed to the reduction of the Horse Artillery; no one in this House has stronger views on this subject than I have. The right hon. Gentleman has stated that he has only been a few months in Office. I do hope that when he has been longer in Office, as I trust he will be, he will see his way to reconsider his decision as regards the Horse Artillery. It is impossible to make gunners in a day, and I do hope the right hon. Gentleman will endeavour to defer to the feelings of the vast majority of military experts upon this question.

SIR EDWARD HAMLEY (Birkenhead): I have not quite succeeded in gathering from the Secretary of State for War whether his proposed reduction of the Horse Artillery is still open to revision. If he has not committed himself beyond recall, I venture most earnestly to beseech him to reconsider his decision, because it seems to me one of the most unpopular and impolitic steps ever taken by the War Office. I ask him to consider that all the Military and Naval Members of the House have joined in the very respectful and very strong remonstrations against the step which he proposes, and I think perhaps their opinions may be considered as well worthy his attention as those of that distinguished General of whom we have heard so much, and whose opinions, I think, go to show that a man may be a distinguished General and yet a very unsafe adviser for a Secretary of State for War. I think everything has been said in the course of the remarks of previous speakers that can be said against this measure, and therefore I do not propose to go over the ground again, or any part of it; but I do wish to take this opportunity of recording my earnest protest against the reduction of a single gun either of the Field or of the Horse Artillery.

GENERAL SIR GEORGE BALFOUR (Kincardine): I must, with deep regret, give my vote for the Amendment proposed by the hon. and learned Gentleman the Member for King's County (Mr. Molloy), though I assure the right hon. Gentleman the Secretary of State for War that I shall not give my vote in any factious spirit. I entirely disapprove of the proposed reduction in the Horse Artillery, and I trust that before long the right hon. Gentleman may see his way to retrace this fatal step. I cannot help thinking that the right hon. Gentleman would act wisely if he were to dissociate himself from his present military advisers and act solely upon his own responsibility, which, I am sure, would lead him to agree with the tenour of the remarks which have been so generally expressed by hon. and gallant Gentlemen to-night.

MR. HENNIKER HEATON (Canterbury): I just wish to say that I represent the military town of Canterbury, and I can assure the right hon. Gentleman the Secretary of State for War that it is the opinion of all the military men there that he has committed a serious mistake in the matter of the Horse Artillery. I, therefore, trust he will reconsider his decision.

Question put.

The Committee *divided*:—Ayes 57; Noes 94: Majority 37.—(Div. List, No. 141.)

Original Question put, and *agreed to.*

(2.) Motion made, and Question proposed,

> "That a further sum, not exceeding £3,830,300, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments for the year ending on the 31st day of March, 1888, viz.:—

CIVIL SERVICES.

CLASS I.—PUBLIC WORKS AND BUILDINGS.

Great Britain:	£
Royal Palaces	4,000
Marlborough House	500
Royal Parks and Pleasure Gardens ..	15,000
Houses of Parliament	9,000
Gordon Monument	500
Public Buildings	20,000
Furniture of Public Offices	3,000
Revenue Department Buildings ..	34,000
County Court Buildings	4,000
Metropolitan Police Courts ..	1,500
Sheriff Court Houses, Scotland ..	6,000
Surveys of the United Kingdom ..	35,000
Science and Art Department Buildings	3,000
British Museum Buildings	2,000
Harbours, &c. under Board of Trade	6,500
Peterhead Harbour	4,000
Rates on Government Property (Great Britain and Ireland)	15,000
Metropolitan Fire Brigade	2,500
Disturnpiked and Main Roads (England and Wales)	- -
Disturnpiked Roads (Scotland) ..	- -

Ireland: —	
Public Buildings	30,000
Science and Art Buildings, Dublin ..	5,000

Abroad:—	
Lighthouses Abroad	1,000
Diplomatic and Consular Buildings ..	3,000

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

England:—	
House of Lords, Offices	9,000
House of Commons, Offices ..	10,000
Treasury, including Parliamentary Counsel	10,000
Home Office and Subordinate Departments	15,000
Foreign Office	10,000
Colonial Office	7,000
Privy Council Office and Subordinate Departments	3,000
Board of Trade and Subordinate Departments	10,000
Bankruptcy Department of the Board of Trade	- -
Charity Commission (including Endowed Schools Department) ..	6,000
Civil Service Commission	8,000
Exchequer and Audit Department ..	8,000
Friendly Societies, Registry ..	1,500
Land Commission for England ..	4,000
Local Government Board	110,000
Lunacy Commission	3,000
Mint (including Coinage)	2,000
National Debt Office	2,500
Patent Office	8,000
Paymaster General's Office ..	3,500
Public Works Loan Commission ..	1,000
Record Office	4,000

	£
Registrar General's Office	5,000
Stationery Office and Printing ..	75,000
Woods, Forests, &c. Office of ..	3,000
Works and Public Buildings, Office of	6,000
Mercantile Marine Fund, Grant in Aid	15,000
Secret Service	8,000

Scotland :—

Secretary for Scotland	1,000
Exchequer and other Offices ..	1,000
Fishery Board	- -
Lunacy Commission	500
Registrar General's Office	500
Board of Supervision	1,000

Ireland :—

Lord Lieutenant's Household ..	1,500
Chief Secretary's Office	5,500
Charitable Donations and Bequests Office	300
Local Government Board	10,000
Public Works Office	6,000
Record Office	1,000
Registrar General's Office	2,000
Valuation and Boundary Survey ..	4,500

Class III.—Law and Justice.

England :—

	£
Law Charges	10,000
Criminal Prosecutions	36,000
Supreme Court of Judicature ..	60,000
Wreck Commission	1,500
County Courts	20,000
Land Registry	- -
Revising Barristers, England ..	- -
Police Courts (London and Sheerness)	2,500
Metropolitan Police	100,000
Special Police	3,000
County and Borough Police, Great Britain	2,000
Prisons, England and the Colonies ..	60,000
Reformatory and Industrial Schools, Great Britain	80,000
Broadmoor Criminal Lunatic Asylum	4,000

Scotland :—

Lord Advocate and Criminal Proceedings	10,000
Courts of Law and Justice	10,000
Register House Departments ..	5,000
Crofters Commission	1,000
Police, Counties and Burghs (Scotland)	1,000
Prisons, Scotland	20,000

Ireland :—

Law Charges and Criminal Prosecutions	15,000
Supreme Court of Judicature ..	15,000
Court of Bankruptcy	1,500
Admiralty Court Registry	200
Registry of Deeds	2,000
Registry of Judgments	300
Land Commission	7,000
County Court Officers, &c.	15,000
Dublin Metropolitan Police (including Police Courts)	15,000
Constabulary	280,000
Prisons, Ireland	20,000
Reformatory and Industrial Schools	25,000
Dundrum Criminal Lunatic Asylum	500

Class IV.—Education, Science, and Art.

England :—

Public Education	700,000
Science and Art Department ..	70,000
British Museum	25,000
National Gallery	1,500
National Portrait Gallery	200
Learned Societies, &c.	4,000
London University	2,000
University Colleges, Wales ..	2,000
Deep Sea Exploring Expedition (Report)	500

Scotland :—

Public Education	120,000
Universities, &c.	2,000
National Gallery	200

Ireland :—

Public Education	200,000
Teachers' Pension Office	200
Endowed Schools Commissioners ..	100
National Gallery	500
Queen's Colleges	500
Royal Irish Academy	1,000

Class V.—Foreign and Colonial Services.

Diplomatic Services	50,000
Consular Services	50,000
Slave Trade Services	2,000
Suez Canal (British Directors) ..	400
Colonies, Grants in Aid	4,000
South Africa and St. Helena ..	20,000
Subsidies to Telegraph Companies ..	18,000
Cyprus, Grant in Aid	- -

Class VI.—Non-Effective and Charitable Services.

Superannuation and Retired Allowances	90,000
Merchant Seamen's Fund Pensions, &c.	1,000
Pauper Lunatics, England	10,000
Pauper Lunatics, Scotland	20.000
Pauper Lunatics, Ireland	40,000
Hospitals and Infirmaries, Ireland ..	5,000
Savings Banks and Friendly Societies Deficiency	- -
Miscellaneous Charitable and other Allowances, Great Britain ..	800
Miscellaneous Charitable and other Allowances, Ireland	100

Class VII.—Miscellaneous.

Temporary Commissions	8,000
Miscellaneous Expenses	2,000
Adelaide Exhibition, 1887	- -
Total for Civil Services	£2,860,300

REVENUE DEPARTMENTS.

Customs	100,000
Inland Revenue	100,000
Post Office	500,000
Post Office Packet Service	170,000
Post Office Telegraphs	100,000
Total for Revenue Departments	£970,000
Grand Total ..	£3,830,300

MR. LABOUCHERE (Northampton): I apprehend that this Vote on Account will be sufficient for the Government until the commencement of July; but it certainly is a very unprecedented course that the Estimates should have been practically put off until so late a day, and that Votes on Account should have been taken. The Government can hardly complain, if they choose to adopt this course, of everyone of these items being discussed *seriatim.* For my own part, I am anxious that Public Business should not be impeded in any way, and, therefore, I am afraid we shall have to wait in order to discuss every one of the items until they come on in the shape of ordinary Estimates. However, in Class I there is one Estimate which, I think, we ought to test—namely, that for the Metropolitan Police Courts. It will be seen that the total amount asked for the year under this head is £6,737; and taking the sum voted on Account on a previous occasion and the amount now asked for, we see that almost one-half of the whole will be voted on Account. Now, it is not a question of how much shall be voted, or whether the money is wholly or partly expended. The question is whether this money ought to be voted at all by the House of Commons? I, and others on this side of the House, and I believe many on the other side of the House also, have always contended that this is an expenditure which ought to fall on the Metropolis itself. I remember on the last Vote on Account I called the attention of the Committee to this matter, and I think the right hon. Gentleman the Chief Commissioner of Public Works (Mr. Plunket) replied to me that there was a set-off, because the County Courts were paid for out of the Treasury. But I need hardly say that that is no set-off of any sort or kind. In Manchester and Liverpool, and most of our large towns, there are County Courts and Police Courts, and in London there are County Courts and Police Courts, and there is no set-off in saying that the County Courts in Provincial towns are paid for by the Treasury, because the County Courts in London are also paid for by the Treasury. We have the clear, hard fact, then, before us, that in all large towns the Police Courts are paid for out of the local rates, but that in London they are paid for by the Treasury. The matter has been frequently raised in this House, and there are Gentlemen on both sides who take the same view upon it that I do. Under these circumstances, I beg to move that the Vote be reduced by this sum of £1,500 which is to be devoted to the Metropolitan Police Courts.

Motion made, and Question proposed, "That a sum, not exceeding £3,828,800, be granted for the said Services."—(*Mr. Labouchere.*)

THE FIRST COMMISSIONER OF WORKS (Mr. PLUNKET) (Dublin University): The principle upon which the Metropolitan Police Courts were handed over to the Office of Works to be maintained by them by a Parliamentary Vote was that it was considered that the business of the London Police Courts was, or might be, of a rather more than local character. It was thought that they should be dealt with on the same basis as the Law Courts throughout the country rather than on the example of the Police Courts throughout the other parts of the Kingdom. Doubtless, the Police Court in Bow Street formerly had a very wide and extended jurisdiction, its writs running all over the country. But whatever may have been the principle or policy of the arrangement made, the answer I have to make to the hon. Gentleman the Member for Northampton is, that under an Act of Parliament the Metropolitan Police Courts have been handed over to the Office of Works, and the Office of Works has been required to purchase, hire, or otherwise provide such Court-houses, offices, or buildings as may be required for carrying on the business of the various Police Courts in the Metropolitan Police Districts. These buildings and offices have to be cleaned, lighted, and warmed by the Office of Works. Well, as I have no other funds out of which to defray the expenses of cleaning, lighting, and warming the offices handed over to my charge under the Act to which I have referred, which was passed through Parliament in all its stages without comment, I am obliged to come to this House and ask it to provide means with which to give effect to that Act of Parliament. These are the grounds upon which I ask the Committee to vote this money.

MR. LABOUCHERE: This is rather an explanation than an excuse which we have received from the right hon. and learned Gentleman. I would point out to him that about two years ago it was moved that the expenses of the Parks in London should no longer be borne by the Treasury, but by London. It was agreed then that an Act of Parliament should be brought in by the then Government to throw this expenditure upon the Metropolis. If we were to refuse to pass this Vote, the right hon. and learned Gentleman would be able to bring in a Bill, and pass it into an Act of Parliament, and it would become law, by which the charge for these Police Courts would be thrown upon the Metropolis. I do not think the right hon. and learned Gentleman can fairly ask us not to vote against this Estimate simply because there appears to be an Act of Parliament requiring the Office of Works to look after these Police Courts, for the passing of which the right hon. and learned Gentleman has given reasons, which reasons experience shows us to be absolutely worthless. He might, perhaps, hold that Bow Street Police Office is in an exceptional position compared with other Police Offices in the country; but he can hardly hold that the Greenwich Police Court or the Wandsworth Police Court, both of which are included in this Vote, are more important Police Courts than those of Manchester, Liverpool, and other large towns in the country. As the right hon. and learned Gentleman knows, this question has long been a bone of contention. I was anxious that Her Majesty's Government, who are so desirous of reform and economy and all that sort of thing, should refrain from proposing this Vote, or should say that if the money were voted for the present, they would bring in a Bill and take care that it should be borne by those who ought to bear it next year. If we receive such an assurance I shall not press the matter to a Division; but unless such an assurance is given I shall divide the Committee upon this item.

MR. MAURICE HEALY (Cork): I think the objection taken to the Vote is reasonable, and I think the right hon. and learned Gentleman has not made a very vigorous defence of the principle and policy of paying the expenses of the Metropolitan Police Courts out of the Vote which falls upon the taxpayer of the United Kingdom. Even had he made a vigorous defence of it, I think we should not accept his authority for the course of proceeding referred to, without having some assurances as to the future state of the matter. It is well to tell the House that the Act of Parliament throws a particular duty upon the right hon. and learned Gentleman, and that he has no funds with which to discharge that duty unless Parliament supplies them. That is a very good excuse for the Vote this year, but what about the Vote next year and the year succeeding? Is the United Kingdom to continue for an indefinite period to contribute to the expense of keeping and maintaining these Police Courts. I think the protest against this state of things is a most reasonable protest, coming from an Englishman; but when we consider the case of Ireland, and consider that a Vote of this kind, for the maintenance of the Metropolitan Police Courts, in which we have not the smallest interest, falls not only on the English taxpayer, but also on the Irish taxpayer, I think the charge is an anomalous and monstrous one. I think before we pass this Vote we are entitled to have some assurance as to what the future state of things is to be. Is the United Kingdom to continue for an indefinite period to contribute towards maintaining the Metropolitan Police Courts? Surely this great City in which we now are is sufficiently wealthy to maintain its own Police Courts. One would think the Municipality of London would be ashamed to come to the taxpayer, hat in hand, begging him to maintain its Police Courts—begging him to pay the costs of getting within the clutches of the law, and of punishing them when they are there, the citizens of London for being drunk and disorderly, and so on. I think this protest is a fair one. I think we are entitled to some assurance that for the future this most anomalous state of things will not be continued, and that the taxpayer of the United Kingdom shall not be compelled to contribute to this purely local purpose.

Mr. PLUNKET: I would add one word to what I have already said. I suppose that whenever the Bill for the Government of the Metropolis comes before the House, this will be one of the questions raised in the debates; but when hon. Members ask me to undertake to introduce a Bill for the purpose of putting the cost of the maintenance of the Police Courts on the Metropolis, and to pass that Bill through the House, I must beg them to remember that this is part of a very large question. I would also remind the Committee that very early in this Session I introduced a Bill for the very purpose referred to by the hon. Member for Northampton in another part of his remarks—namely, for the purpose of handing over a certain number of the Parks in London to the Metropolitan Board of Works. I must remind the Committee that I kept putting that Bill down every day, and that it has been hardly an agreeable duty to have to wait here until half-past 1 or 2 o'clock every morning in order merely to postpone the Bill, to say "this day, Sir," when it is called on; but I have been able to proceed no further with it. If we could get some security for the withdrawal of blocks against the Bill, it would, no doubt, have a good effect upon the progress of that measure, and I am glad of this opportunity of calling the attention of the Committee and of the country to the fact that this Bill—a very small Bill, and one which I believe would involve no controversy—has been standing on the Notice Paper day after day for second reading, and night after night, and cannot be disposed of on account of blocks. As to the policy of this Police Court question, I can only repeat that that is a question to be decided when the great question of Metropolitan Government comes up for discussion in this House.

Mr. CHANCE (Kilkenny, S.): I cannot conceive how a Government which has introduced a Bill for the handing over of some Parks in London to the Metropolitan Board of Works can have any excuse for not introducing a measure to hand over, in a similar manner, the Metropolitan Police Courts to some Metropolitan Authority. It seems to me that there might be some little excuse for imposing the cost of the Parks upon the taxpayers generally. Some of us or our constituents may, on some occasion, be able to derive amusement from the Parks, and may gain some little advantage from them; but I trust very few of our constituents have the smallest desire to derive advantage from the existence of the Police Courts, or, at any rate, will desire to derive instruction and amusement from them. Probably, the tendency of the Government to render these Courts places where amusement and instruction can be derived arises from the peculiar experiences of the right hon. and gallant Gentleman the Member for the Isle of Thanet (Colonel King-Harman), who, we may suppose, did derive a certain amount of instruction and benefit from one of these institutions. The right hon. Gentleman opposite tells us that the Bill for transferring some of the London Parks to the Metropolitan Board of Works is blocked. Well, Sir, I do not know anything about that Bill, but I suppose it is due to the fact that some London Members desire to save the pockets of the London ratepayers. I trust, at any rate, that no one sitting on this side of the House will oppose a Bill which would propose to hand over all the Parks, under proper regulations, to the proper Local Authorities. I cannot admit that there is the slightest validity in the plea put forward by the right hon. and learned Gentleman opposite, that there would be difficulty in getting the Bill through the House. He seems to forget that he is a Member of a Government who do not find it difficult to keep 200 or 250 of their followers on the premises, to draw them out of the Smoking Room and the Reading Rooms from time to time, and keep them galloping through the Lobbies in order to pass a Bill without discussion. I think it is the duty of everyone in this Committee to insist that a Division shall be taken, and to insist that this question shall be fully debated, unless we have an undertaking that this system under which London goes sponging upon the whole country to do that which it ought to do itself is to be put a stop to at once for all.

Question put.

The Committee *divided*:—Ayes 63; Noes 113: Majority 50.—(Div. List, No. 142.)

Original Question again proposed.

MR. MONTAGU (Tower Hamlets, Whitechapel): Mr. Courtney, I wish to direct the attention of the Government to some of the regulations with regard to coinage. Last month, when the Budget was introduced, I discussed at some length the urgent necessity of restoring our currency to a proper condition. I think I made out a good case for the reform of the Mint regulations, especially with regard to the manufacture and composition of our gold coinage. I think I showed that in these respects we are far behind Germany and other Powers. On that occasion the noble Lord the Member for South Paddington (Lord Randolph Churchill), who followed me in the debate, made a most startling proposition. He suggested that we should abolish the half-sovereigns, and replace them by silver, and utilize the profit from the silver for the restoration of the gold coinage. If that proposition had been made by an ordinary private Member, it would have sufficed to say that the public would never consent to part with so useful a coin as the half-sovereign, but a proposal emanating from the late Chancellor of the Exchequer must be more seriously considered. I should like to know if the noble Lord is aware that, at least, £20,000,000 sterling of half-sovereigns circulate in equal legal tender with sovereigns; and I would also point out to him that all gold-using countries use gold coins of the value of 10*s*., and even less. The United States of America use a two and a half and a one dollar gold piece, although they have one and two dollar notes. Germany coins the ten mark and five mark pieces in gold, although they have there notes of as low a value as five marks. The countries which are comprised in the Latin Union have the ten franc and five franc pieces in gold, worth respectively less than 8*s*. and 4*s*. I think that if we had to choose between the retention of sovereigns and half-sovereigns, as a matter of convenience we should retain half-sovereigns, because we might possibly replace the sovereigns in part by £1 notes, and we might pass two half-sovereigns instead of one sovereign. We never can abandon the half-sovereign. I do not think any hon. Gentleman, if he had 6*d*. to pay, and tendered a sovereign in payment, would care to receive in change so much silver as 19*s*. 6*d*. In this country we used to have smaller gold coins than the half-sovereign; we had a third of a guinea, worth 7*s*., and a quarter of a guinea, worth 5*s*. 3*d*. I do not recommend that we should have gold coins smaller than half-sovereigns, on account of the cost of their wear and tear. When the noble Lord suggests that we should replace the £20,000,000 sterling worth of half-sovereigns by silver, does he recollect that half-sovereigns have a full legal tender, whereas the silver tokens would only be a legal tender to the amount of 40*s*.? The noble Lord suggested we might make a large profit. Certainly we might make a profit of £5,000,000 sterling, but it would not be honestly made. The worst possible mode of raising money would be the depreciation of the coinage circulating in the country. The original intention was that we should circulate silver at the moderate premium of 10 per cent, not to make money by it, but in order to retain it in the country. If the noble Lord's suggestion were adopted, our Government would appear as the purchaser of something like £14,000,000 or £15,000,000 worth of silver. That would be very welcome in the silver market; but there would be a competition between Germany, the United States, and France as to which of them should supply us with the silver and take away our gold in exchange. Each of these countries have more silver to spare than this; and such a transaction as that, without an International Convention, would certainly be more dangerous to this country than any introduction of International bi-metallism, because, when the exchange had been made, there would be no greater stability for silver. We should be encumbered with a large amount of token money, which would embarrass and inconvenience our public; we should certainly have in that case much more silver in currency than if we had International bi-metallism. I will, however, pass from that subject, and suggest to the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) that we might permit the Mint to coin a British trade dollar; that the Mint should be allowed to coin this dollar at the expense of those who sent in the silver. This British trade dollar should be a legal tender, concurrently with the Mexican dollar in the Straits Settlement and Hong Kong. It should have impressed upon it some permanent emblem, such as St. George and the Dragon or Britannia, so that there should be no necessity to change the die. The advantage is self-evident. We should no longer be dependent upon foreign Mints for the currency in our own Colonies. The French have coined a large quantity of French trade dollars, and the Germans are likely to follow suit. We should then be at a great disadvantage. We know that trade generally follows the flag, and we also know that the *prestige* and power of a country are typified in the eyes of Natives of the East by the coins of that Power which circulate. Therefore, I trust that this small facility, which will certainly help the trade of the East, may be permitted, especially as it will be no expense to the Exchequer. I would like to refer very briefly to another very important subject, and that is, whether the time has not yet arrived when we should introduce into this country a decimal coinage? Hon. Members may be surprised to learn that every foreign country in the world possesses a decimal currency, and that it has been a benefit to the people, while we, with our insular prejudices, are left high and dry, and a good many of our Colonies with us. It can hardly be possible, in a matter of convenience in the coinage circulation, that all the world should be wrong, and that we alone should be right. This is not a new question. It was agitated something like 30 years ago. I took part in that agitation; and, therefore, I may, perhaps, be justified in speaking of it now. I believe a Resolution in favour of the introduction of a decimal system was passed in this House, and that there was a Report in its favour from a Committee. The question, however, was, as usual, shelved by a Royal Commission. It may be asked, whether there are any better prospects now than there were formerly for the adoption of a decimal coinage? I think there are much better prospects, because, not so long ago as 30 years, nor as 20 years, many of the Great Powers had not adopted a decimal coinage. Some of our Colonies, even, possess a decimal coinage—Canada, Ceylon, and the Mauritius. It must be remembered that of all the foreign countries and our Colonies which have adopted the decimal coinage not one has endeavoured to retrace the step. Another argument in favour of the proposal is that since 1870 the education of the working classes has been very much improved, and they could now much more readily understand the slight change which would have to be made than they could formerly. Moreover, it is a grave question for the Government whether they should compel the children in board schools to learn so useless a study as compound arithmetic. If we adopted a decimal currency I am informed that a saving of six months would be effected in the education of every child in this country. What I propose is that we retain almost every one of our existing coins. That we should retain the sovereign, divided into 1,000 milles; the half-sovereign, divided into 500 milles; the crown, divided into 250 milles; the half-crown, divided into 125 milles; the florin, divided into 100 milles; the shilling, divided into 50 milles; the sixpence, divided into 25 milles; then we should have a dime, representing 10 milles; a half-dime, representing 5 milles; and a new farthing or mille. You see only three new coins are needed to complete our decimal system. We could retain all our present coins in circulation, and that would do away with the objection with regard to the purchase of stamps, newspapers, &c., with pence and half-pence. In order, if you wish, to prepare the way for the introduction eventually of the four mille and two mille copper pieces, you might permit the French two sou and the sou to pass as four milles and two milles respectively. You have already stopped the importation of the French coins which were passed here with 5 per cent profit; but if you adopt my suggestion, and allow French copper pieces to pass as four milles and two milles, there would be no possibility of French coins being imported unduly, and you might produce a kind of Anglo-French currency—an International arrangement which later on might lead to much better things. I brought this decimal coinage question before the London Chamber of Commerce, who passed my resolution with but one dissentient. Since then at least 14 Provincial Chambers of Commerce have sent in their approval of decimalizing the pound sterling, and I feel quite sure that the movement will spread. I trust the Government will adopt my suggestions which I have so briefly made. They are the outcome of 40 years' experience in all kinds of currencies. I do not think the Government need force a decimal currency upon the public, but permit it to be adopted by completing our decimal question by issuing the three coins I have mentioned. The merchants and bankers and all those members of the different Chambers of Commerce would take up the movement; they would show the Government and the public how welcome would be the change—a change which, I think, would certainly facilitate our commerce in every shape and way. If the Government were to refer the matter to a Select Committee, I feel sure my proposal would meet with approval at the hands of such a Committee, because its adoption would not only facilitate commerce, but also facilitate the education of our young people, and also prepare the way, later on, for a much larger and a very necessary reform—that is, a reform in our weights and measures.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): This is an extremely complicated question to deal with upon the charge for the Mint. My hon. Friend the Member for the Whitechapel Division of the Tower Hamlets (Mr. Montagu) very justly claims to have very great experience on this matter; but I confess I consider it open to question whether the present is a proper time to discuss matters of currency ranging from £1 notes and half-sovereigns to the new coins which he has described. The hon. Member wishes to open up the subject of a decimal coinage, and he has spoken of the decision which has been arrived at by the London Chamber of Commerce upon this matter. I shall have the honour of receiving a deputation from the London Chamber of Commerce with regard to a decimal coinage in the course of a few weeks, and I should prefer to reserve any remarks that I may have to make upon the subject until I have heard it discussed by the members of the London Chamber of Commerce and the representatives of other Chambers. As at present advised, I must admit that it would be with very great hesitation that I should approach any question of changing the coinage of this country. If there is one thing upon which the general public is extremely sensitive it is upon questions of alterations of the rates of coinage and weights and measures, and the general arrangements of commerce to which they have been accustomed. I can fancy that excellent scientific arguments could be urged on behalf of the views of my hon. Friend; but when you come to practical dealing with this matter, I cannot conceive anything which would more disturb the general feelings of the public with regard to the currency than the introduction of a number of new coins, whether they are four milles, or two milles, or eight milles, or whatever name may be given to them. This is essentially one of those questions upon which it appears to me that theory and practice are at variance. According to theory, decimal coinage is excellent, and mathematicians—in and out of this House—are naturally enthusiastic on behalf of such a simple measure; but I believe that the great bulk of the traders of this country, and especially of small traders, and the bulk of the purchasing and selling public, would be adverse to any changes which would disturb the general measure of value to which they are accustomed. And I doubt whether the convenience of the great merchants and bankers, and the international traders generally, which would be furthered by the adoption of the views of the hon. Gentleman would be sufficient compensation for the great disturbance which would be introduced into the general trade. I am aware of the great progress which has been made in decimal and fractional calculations by the action of the schools; but, nevertheless, I think that to introduce a new system of calculation would be a most hazardous measure. It is only the respect which is due to the hon. Member who has introduced this subject to the Committee this evening which has induced me to anticipate what I would rather have reserved until I had heard the views of the Chambers of Commerce on the question of the currency. I think I have intimated to my hon. Friend that the large question of £1 notes and the general revision of the coinage from the point of view of light gold and defaced silver, and from the point of view of various reforms which may have to be introduced, are occupying the attention of the Government in a very serious manner. I am grateful to the hon. Member for the valuable contributions he makes on this subject, both publicly and privately. I shall be always happy to receive any suggestion he may make; but I trust he will excuse me from giving any premature declaration upon any of these extremely important questions affecting the coinage of the country.

Mr. DILLON (Mayo, E.): Mr. Courtney, I wish to say a few words upon Vote 2, Class 2—House of Commons Offices. I desire to bring under the notice of the right hon. Gentleman the First Commissioner of Works (Mr. Plunket) a matter which was raised some years ago, and that is the extremely defective library accommodation in this House. As I understand, the arrangements of the Library of this House are under an old understanding left in the hands of the Speaker; but what I and others desire is, that they should be entrusted to a Committee, as the Kitchen arrangements are left to a Kitchen Committee. The space in the Library is entirely insufficient, more especially since the numbers in constant attendance on the House have largely increased. Again, complaint is very properly made of the insufficient supply of books.

The CHAIRMAN: Order, order! The question of the physical accommodation in the Library and of the Library management comes under Vote 4, Class 1. Though the words, "House of Commons Offices" are used here, the item refers to the *personnel* of the House—to the pay of the officers.

Mr. DILLON: I will not refer any further to the physical accommodation of the Library. On examining the Civil Service Estimates, I came to the conclusion that the best Vote, or the only Vote, upon which I could raise the question of the purchase of books and the arrangements of the rooms in the Library was the Vote for the Speaker's Department. I find that the Vote for that Department includes allowances for the librarian, assistant librarian, and all the assistants in the Library, and I made inquiry the other day, and the librarian informed me that the purchase of books, and, in fact, all the arrangements of the Library were directly under the control of the Speaker, and belonged to the Speaker's Department. I may have been misinformed. I am anxious to get opinion from the First Commissioner of Works.

The CHAIRMAN: There is no doubt the question of the management of the Library and the purchase of books might be discussed on the Vote including the salary for the librarian.

Mr. DILLON: The chief point I wish to bring under the notice of the right hon. Gentleman is that, in my opinion, the management of the Library ought to be entrusted to a Committee of the House, just as the Kitchen arrangements are, so that any suggestions as to alterations as to the Library accommodation, or the purchase or supply of books, could be directly made to a Committee which would represent all the sections of the House. I do not intend to press this matter at any length to-night; but I thought I would give notice to the right hon. Gentleman the First Commissioner of Works that I will raise the question at a later stage.

The FIRST COMMISSIONER of WORKS (Mr. Plunket) (Dublin University): I should like to explain to the hon. Member for East Mayo (Mr. Dillon) that I cannot answer with authority on this question, because it does not come within my Department at all. So far as my knowledge goes, this is the first time the suggestion has been made. No doubt the authorities who are responsible for the matter will consider what he has proposed, whether they agree with it ultimately or not. I wish the hon. Gentleman, however, to understand that I have no authority whatever in the matter.

Mr. W. H. JAMES (Gateshead): Mr. Courtney, this is a Vote which makes provision for the salaries of officials of the Colonial Office, and, therefore, I am anxious to address a few observations to the right hon. Gentleman the Secretary of State for the Colonies (Sir Henry Holland) with reference to some matters in a distant part of the world in regard to which I have put a few Questions to him at various intervals since the commencement of the Session. I assure the right hon. Gentleman that I do not make these observations with any desire to be hostile to him or the Government. My observations will relate to the religious persecutions in the Island of Tonga, which have attracted very considerable attention in religious Bodies, and in certain sections of the Press. Now, the right hon. Gentleman stated to me the other night that he had received a telegraphic summary of the Report which Sir Charles Mitchell has forwarded to the Government. I do not wish for a moment that the right hon. Gentleman should prejudge the question, or come to any hasty decision upon the very brief summary which Sir Charles Mitchell has telegraphed home. But this matter is not a new one to the Colonial Office. I think, so far back as the year 1883, Sir George W. Des Vœux, who was at that time Governor at Fiji, and I think, anterior to that date, Sir Arthur Gordon had called attention to the religious persecutions which existed in the Island of Tonga. Tonga is under the control nominally of King George, who is upwards of 80 years of age; but I think it will be admitted from the Reports in the hands of the right hon. Gentleman from those who are acquainted with the affairs of the Island, that this man is perfectly incompetent to form any opinion on any question whatever. The *de facto* Governor of Tonga is an ex-Wesleyan minister, a certain Mr. Shirley Baker, and he has been of late years complete and absolute Sovereign of the Island. Mr. Baker some years ago had a dispute with the Wesleyan Church, and he seems to have betaken himself to Tonga, and there to have set up a rival church. Mr. Baker is a man of very considerable wealth, and very great ability, and of absolutely no scruples; and I confess that the sort of proceedings which have disgraced, and do still disgrace, affairs in that Island, appear to me, so long as they are allowed to remain in their present form, a disgrace and blot upon the British name. Sir Charles Mitchell telegraphs that the statements as to these persecutions are to a very considerable extent true. So far from thinking that they have been exaggerated I believe they have been understated, and that when the whole facts of these deplorable outrages — these disgraceful and horrible outrages—are known, it will be found that the annals of religious persecutions for several centuries past will scarcely afford a parallel for anything that has occurred in Tonga. I am anxious to address the right hon Gentleman, however, as to one particular point. Mr. Shirley Baker, who is an extremely subtle and able person, has succeeded in ingratiating himself by various methods with foreign interests. I am anxious to ask my right hon. Friend that when Sir Charles Mitchell's Report is received he will consider it entirely upon its own merits and in its own interests. It appears to me that if we are a great country we should not in any way recognize or support the terrible state of things which has gone on in Tonga for the last four or five years. The Pacific Islanders Protection Act, which, in its very nature, is one of the most drastic Acts which has ever been passed by the English Legislature gives very considerable powers in the Western Pacific to Her Majesty's High Commissioner. I believe it is quite within the power of the High Commissioner to deport this *de facto* Governor to some other portion of Her Majesty's Dominions, and, if it does not absolutely give the power of deporting this man, so serious have been the outrages, the murders, the floggings and cruelties that Her Majesty's Government would be perfectly justified, in my opinion, in taking this *de facto* Governor to some portions of the Queen's Dominions where he might be tried and made amenable for these terrible offences. I hope I may have some assurances from the right hon. Gentleman that when the Report comes to him he will consider it strictly upon its own merits, and that he will not be involved in other entanglements. I cannot believe that any foreign Power will be anxious in any way to identify itself with the outrages which have been perpetrated, and which are going on now; and I believe that our taking the lead in such a course and line as I have suggested, so far from being disadvantageous to our interests with other Powers, would be distinctly to our interests. I am quite willing to acknowledge that the right hon. Gentleman is anxious to do what is proper and just, and I only make these observations in the hope that I may be able to strengthen his hands in the course he may take. I assure him very considerable interest will be taken by the religious bodies who have been identified with missionary work in the Western Pacific in the course he takes.

The SECRETARY of STATE for the COLONIES (Sir Henry Holland) (Hampstead): I am not at all disposed to dispute the facts stated by the hon. Gentleman the Member for Gateshead (Mr. W. H. James). I have only to say, that the information with regard to the alleged outrages that we have is the same of which the hon. Member himself is possessed; but I should like to assure the Committee that Her Majesty's Government are fully alive, and have been fully alive, to the importance of this subject. The moment we received any Report of these outrages Sir Charles Mitchell was telegraphed to to go to Tonga. He arrived there on the 27th of March, and reported that the King afforded him every facility to make inquiries, and all was quiet. The proceedings had then ceased, and the British interests, so far as we learned, were not affected by the recent events. I may add, that to secure a more searching inquiry, and that all legal questions should be thoroughly discussed, Sir Charles Mitchell took with him Mr. Clark, who is Chief Judicial Commissioner under the Pacific Acts. Then we come to the telegram of the 30th April, to which the hon. Member has referred, and which, I admit, is to a certain extent unsatisfactory. Perhaps, for the information of hon. Members who did not hear me read the telegram the other day I had better read it again. It is—

> "April 30,—Returned from Tonga to-day. Send report by next mail. Full inquiry showed report of religious persecution true to a considerable extent. King promises make chiefs observe constitution as regards religious freedom in future and generally protect Wesleyans. All quiet now. Europeans in no case interfered with."

The hon. Member has referred to the Pacific Islanders Protection Acts. Now, the power under which the Chief Commissioner acts, and especially the power to which he referred, the power of deportation, is given under the Western Pacific Order in Council. There is no doubt under that Order in Council the High Commissioner has power in certain cases, and one of those cases is, if a British subject is likely to be dangerous to the peace and good order of the Island, to order a British subject to remove himself, and if he does not leave, the High Commissioner has power to deport him. I need hardly say that it would not have been right for Her Majesty's Government, when instructing Sir Charles Mitchell to go out to Tonga, without a full knowledge of the facts, to order him to remove or deport Mr. Baker; and I may also say there is not much encouragement to the High Commissioner to deport a man, because during Sir Arthur Gordon's time a man named Hunt was deported, and this man afterwards proceeded against the High Commissioner, and succeeded in his action. I believe he succeeded on a technical point, but still what occurred does not offer much encouragement to a High Commissioner to put into use the power of deportation. The hon. Gentleman asked me a specific question, to which I can give him an unhesitating answer. He asked me whether the Report of Sir Charles Mitchell would be considered on its own merits. I can assure him without hesitation that that will be the case. So far as I know, it is not likely that any foreign Power will interfere with our discretion in the matter; but I can assure him that the Report will be considered most carefully. Her Majesty's Government are fully alive to the importance of the question, and will take such steps as they may be advised to take on the Report. Of course, the hon. Member cannot expect me to say more until we have received from Sir Charles Mitchell his Report. I hope the hon. Member will regard my answer as satisfactory.

MR. P. J. POWER (Waterford, E.): I should like to revert to the subject which was raised by my hon. Friend the Member for East Mayo (Mr. Dillon). It has been pointed out previously that the librarians to the House of Lords have residences granted them. I think that if hon. Members will take into account the duties which are discharged by the librarians of the two Houses, they will acknowledge that there is no comparison between their respective duties. The librarians of the House of Commons have to do considerably more than the librarians of the House of Lords; we sit very much longer, and the Members attending this House are more numerous than those attending the House of Lords. I think it will be generally admitted that our librarians give satisfaction to all Members of the House, no matter to what Party they belong; and I think they ought to receive as much consideration as the librarians of the other House. While I am upon my feet, I should like to refer to the way in which the news room is managed. I think that the Party to which I belong have something to complain of in this matter. We maintain that every section of Members in this House have weekly or monthly periodicals taken for their special reading, whereas we have nothing whatever of the kind. When the Irish Nationalist Party numbered 85 we thought, certainly, it was time some action should be taken in this matter, and I wrote to the gentleman in charge of the news room directing his attention to the matter. I did so without any consultation with my Colleagues; but I thought I expressed my views on the subject. I certainly think that when any large section of Members read a certain organ, that organ should be taken in the news room. With that view, and when the Irish Parliamentary Party assumed its present proportions, I wrote to the Sergeant-at-Arms asking him to take in the news room an Irish paper—*United Ireland* was the paper to which I referred, a paper which, though it may not be approved by hon. Members opposite, is a paper of which we approve, and which we largely read. The reply I received was as follows:—

> "Sir,—I have given your suggestion my best consideration, but I regret to have to say that I have so much reason to believe that the laying of *United Ireland* on the table of the news room would cause such dissatisfaction among the Members that I do not feel justified in ordering it.—I remain, yours faithfully, H. D. Erskine."

To that letter I replied—

> "I regret to learn that the suggestion which I made in regard to placing *United Ireland* on the table of the news room does not meet with your approval. I thought the wishes of the 86 Members of the Irish Parliamentary Party might have influenced you in arriving at a different decision. I have no doubt that some hon. Members might be dissatisfied at seeing *United Ireland* in the reading-room, but I may point out that at present illustrated papers and other periodicals are taken which are grossly offensive to 86 Members of the House of Commons."

Well, Sir, the matter has remained there since; but I think it is a proper question to ask whether the Irish Members are supposed to stand on a par with the rest of the Members of the House of Commons. I think that if we look to the action of this House we are not considered to stand on a par with the rest of hon. Members. I maintain that if 86 Members coming from any part of the country read a certain paper, and wish that paper to be taken in the news room their wishes should be acceded to. I am perfectly well aware that in giving the answer he did to my suggestion the Serjeant-at-Arms only expressed the opinion of the majority of this House; but I do not think anyone will contend that the majority of this House is actuated by any fair motives towards Ireland or the Irish Representatives. Their conduct in the last few days shows that in any matters in which Irishmen are concerned they take little or no interest. I do not suppose that my raising this question now will materially alter the case; I suspect that *United Ireland* will not be taken in the news room; but it is as well to point out that day by day and week by week we have garbled extracts from *United Ireland* in the London papers. If we have these garbled extracts put before us it is only fair that the whole of the articles should be placed at the disposal of Members in order that they may arrive at the real effect of them. Let me say that before communicating with the Serjeant-at-Arms I had no previous communication with Mr. W. O'Brien, the editor of *United Ireland*, who, the Committee will perhaps be glad to hear, was elected today for the Eastern Division of Cork without any opposition. Well, Mr. Courtney, *United Ireland* appears to be a very objectionable organ to hon. Gentlemen opposite; but we have other organs in Ireland, *The Nation*, for instance, and we certainly submit that some such paper should be placed at the disposal of the 86 Irish Members. I am not certain that many hon. Members would read these organs as well as ourselves, but notwithstanding that I maintain that it is only right that some such paper should be taken in our news room. Are we or are we not to be placed on a par with the other Members of the House of Commons? Is it because we cannot roll up to the House in our carriages that we are to be treated in a different mode to other Members?

Mr. FINCH-HATTON (Lincolnshire, Spalding): Mr. Courtney, I am very glad to find myself for once in agreement with hon. Members below the Gangway opposite, and I should be very glad indeed if *United Ireland* were taken in our news room, and if it were always placed side by side with *The Times*. I think it would perhaps be as well if the back numbers of *United Ireland* were also taken and placed alongside *The Times*.

Dr. KENNY (Cork, S.): No doubt several hon. Members opposite would have their patience severely tried by the presence of *United Ireland* in the Reading Room; but we might hope that the adoption of my hon. Friend's suggestion would have the effect of bringing about their conversion. Hon. Members opposite would probably take example by our good temper under provocation, and seeing that we are able philosophically to bear the presence of *The Times*, and other antagonistic newspapers, in the Reading Room they would be able to bear with the presence of *United Ireland* and *The Nation.* I think the suggestion of the hon. Member for East Mayo is an admirable one. Everyone in the habit of using the Library must at times have found great difficulty in getting the books they require. It is not in the power of the Library officials to do more than a certain amount of work, the Department being, in my opinion, greatly undermanned. I hope the Committee will take into consideration the suggestions which have been made, particularly that of the hon. Member for East Waterford (Mr. P. J. Power), and that in the future we shall not have reason to complain of one-sided arrangements in the Library.

Mr. DILLON (Mayo, E.): I should like to direct the attention of the Committee to an important Vote which occurs somewhat lower down in the Paper for the Office of Chief Secretary to the Lord Lieutenant for Ireland. It is a matter that I deeply complain of, that in relation to the discharge of that extraordinary Office—[*interruption*]. Before I come to the case of the complaint which we the Members of the Irish Party have against the holder of the Office of Chief Secretary for Ireland, the most responsible of all the Offices that go to form the Government of this country, I wish to call attention to a few minor details. In the first place, it will be in the recollection of the Committee, that when the late Under Secretary for Ireland, Sir Robert Hamilton, accepted the post of Under Secretary he stipulated—or, on account of his distinguished position in the Civil Service, it was agreed—that the salary which had from time immemorial been attached to the Under Secretaryship should be raised from £2,000 to £2,500 per annum, but it was stated that this should be a purely personal rise, to continue only so long as Sir Robert Hamilton should retain the post and should not permanently attach to the office, and in the Estimates from that day to this there is always a note appended to the charge for the Under Secretary for Ireland stating that the sum is a personal charge. Well, the charge in the Estimates for 1887-8—and I will ask the Committee to notice that no part of this year has or will Sir Robert Hamilton be Under Secretary for Ireland—is £2,500, though there is the usual note appended stating that this salary is personal. Personal to whom? It was personal to Sir Robert Hamilton; but how is it personal to the present holder of the Office? It is a thing very often noticed that it is very much easier to raise a salary than to reduce it to its old level, and though, in the present instance, the man on whose account the salary was raised has now gone away, the person who now holds the Office seems to think that he has as good a right to this "personal" salary as had his Predecessor. There appears to be on the face of this Estimate an attempt to smuggle in a permanent increase of £500 a-year into the salary of the Under Secretary for Ireland. It seems to me that the figure at which it has stood for so long—namely, £2,000 a-year is ample. Then there is another minor item to which I would direct attention—namely, the salary of £750 a-year, together with an item of £800 a-year for journeys between Dublin and London for an individual connected with the Irish establishment, called a draftsman to the Irish Government. I want to know who that man is, and what he does? If the work he has done has been drafting of the Crimes Bill we can take the authority of *The Times* newspaper as to the character of the work; but my impression is that the drafting of that and other Irish Bills is all done by the draftsman of the Government in London. It would seem from the large amount charged for travelling expenses between Dublin and London, that this individual lives perpetually in the train, and is constantly on the journey either from Dublin to London or from London to Dublin. He spent no less than £800 on railway fares and cabs. Will the Government give us some information as to who this man is, and what his work consists of, and why it is necessary for him to spend £800 in travelling when he already enjoys a salary of £750? These, Sir, are minor items, and there seems to be a considerable amount of waste upon them. There is another item to which I would call attention, and which appears to me to be remarkably absurd. We know that the Chief Secretary for Ireland enjoys a salary of £4,000, and that he has a very handsome residence in the Phœnix Park in Dublin with a handsome demesne attached for his enjoyment Altogether I think that he is very handsomely compensated for his services. But he has now added to all this £425 a-year for coal. Surely, Sir, he must be the coldest man alive if he wants to burn £425 worth of coal for the year in Ireland, seeing that he has been about three days out of the year in that country. I will leave it to the imaginations of hon. Members what fires he must keep up during the short time he is in Ireland. Now, I trust we shall have some explanation of these items of expenditure before the Committee votes the money. Of course all these are minor matters, and I shall now go to the question which really induced me to rise and trespass at some length on the time of the Committee, and that is a question as to the manner in which the Chief Secretary to the Lord Lieutenant has discharged the duties for which he draws this large salary in this House. Sir, we know perfectly well that in the whole experience of the Parliamentary and responsible Governments of the world there does not exist an officer whose responsibilities are so vast and so varied as those of the Irish Chief Secretary. I do not think that there is in any other country, Constitutionally governed, an officer who answers for every single Department of the Government and of the administration of the country as the Irish Chief Secretary does to-day, and has done ever since the Act of Union was passed. Anyone who will take the trouble to look back to former investigations into the government of Ireland, and will notice the evidence given by such men as Sir Thomas Drummond when he was examined on this subject, will obtain some interesting information. They will see the duties that men like Sir Thomas Drummond, who applied themselves to perform those duties with a really conscientious spirit, had to perform. They will find detailed in his evidence the duties which the Irish Chief Secretary and the Irish Under Secretary had and have to do, and will admit that the satisfactory discharge of those duties would tax the energies and abilities of the greatest statesmen who have ever been at the disposal of any Government. But, Sir, even the multiplicity of the duties that the Chief Secretary is supposed to perform in Ireland are certainly not in excess, in point of weight, to the responsibilities which he bears in this House. In this House he is responsible for everything that occurs in Ireland. Whereas in this country a number of different Ministers divide the various Departments of the administration amongst them, in Ireland the Chief Secretary must answer for everything. But that is not all, because in this country a great deal of the government is carried on, I might say, spontaneously. The demands on the Executive, as we know, and as the country is beginning to know, are infinitely simpler and more easily managed than are those demands with regard to Ireland, where you have a centralized system of bureaucratic administration trying to govern a people who are out of smypathy with their governors. The difficulties of government are increased in a case of the kind ten-fold from what they are in a country like this. What has been the course that has been adopted now for years by the Ministers of this and the Government of this country in dealing with this problem of providing a man, who, by his knowledge and acquaintance with the circumstances of Ireland, as well as by his ability, is able to bear this load of responsibility and discharge all these multifarious duties in a satisfactory way? We, the Irish Representatives, remember the expression of O'Connell, when he was describing Irish Secretaries. We remember O'Connell's saying that he could in no way describe them so well as by comparing them to "shave beggars." We know how he explained that phrase. The men who carried on the barber's trade, whenever a man came along who appeared too poor to pay, set aside an apprentice to shave him. That is the way in which the Irish have been governed. Men have been set apart to try their 'prentice hands in the art of statesmanship upon that which is really the most difficult and tangled problem at the disposal of the Government. Our country has suffered enormously through the effects of that practice. In the present instance—in the case of the present Chief Secretary—we can hardly apply to him the epithet that O'Connell applied to the men of his day, inasmuch as he was apprenticed to certain other offices in the State before being sent to Ireland; but the practice in this instance has been hardly less evil than that denounced by O'Connell, for the present Irish Secretary was sent to Ireland for no other reason, that we can discover, except that he excelled almost all other Members of this House in his utter ignorance of that country. And what is the method he has adopted to attempt to extricate himself from the difficulties in which that ignorance necessarily involves him? What is the method he has adopted in order, as it were, to throw some cloak of decency around a state of things which might have seemed ludicrous if it had not been tragical? That a country torn asunder by contending factions, and in a state of the highest fever of political excitement, should be handed over to the control and irresponsible government of a man, who, whatever he may know of the condition of Scotland, where he was born, I suppose, or, at least, the country where he owns property, or whatever he knows of the condition of this country, where he has served as a statesman for some years, who knows nothing of Ireland, is ludicrous. Here you have the government of Ireland handed over to a man who knows absolutely nothing about that country, and whose whole experience of it since he undertook to govern it was gained by a visit of three days, during which time, we are told, he dined with Lord Ardilaun, and interviewed Sir Arthur Guinness.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): That is not the fact.

MR. DILLON: I am glad to hear it. All I can is that it was stated in the newspapers. I have no other means of knowing the motions of Irish Chief Secretaries except what is stated in the newspapers. We, in Ireland, do not go near the Castle—at any rate, any man who values his good name does not go near the Castle—I have never crossed the threshold of that building, nor have I ever gone near its doors. [*Laughter.*] Hon. Members think this a matter for laughter; but I put it to every intelligent man in this House, is that a condition of things under which you expect a country to be governed decently—I put it to every reasoning man, is it a satisfactory condition of things, so far as good government is concerned, that you find that every man who values the goodwill of the people of Ireland does not dare to set his foot in the establishment where the Government is carried on? I say that that is a state of things which seems to bring government to a *reductio ad absurdum.* It is no wonder, therefore, that I make some mistakes in dealing with the movements of the Chief Secretary in Ireland. At any rate, the Chief Secretary does not deny my statement when I say that his experience of the country he is engaged in governing has been limited to a visit of three days. I suppose he felt that the situation in which he was placed was an anomalous one. He found himself standing up at that Table day after day to answer Questions affecting various departments of the administration of the law in Ireland and to answer men who knew what they were asking about, and men who were instructed by their constituents to ask the Questions; he read out at that Table written answers which were put into his hands by the officials whose conduct and administration we were impugning; and when we asked him any Questions as to the correctness of these statements, we found that we might as well have questioned him on the principles of the Chinese language and the philosophy of Confucius. We found that he had no knowledge outside the written documents which were placed in his hands. I doubt whether he knows anything about the geography of the country. I should be pleased to form one of a Committee, as this seems to be a time for the appointment of Committees of Inquiry, in order to cross-examine the Irish Chief Secretary with regard to the geography of Ireland. I have not the slightest doubt but I should be able to puzzle him in the course of a quarter of an hour. That being the condition of affairs, the right hon. Gentleman cast his eyes around for some Irishman whom he could take into his confidence. He cast about for some Gentleman whose knowledge would be a cloak for his own ignorance, and at last he met with the Gentleman; and, in my opinion, he has jumped from the frying-pan into the fire. For, bad as was the knowledge of Irish affairs of the right hon. Gentleman, I cannot for a moment doubt that he has not in the least improved his position by adding to his counsels and sharing his responsibilities with one of the most notorious and admitted champions of Orangeism and landlord oppression to be found in Ireland. The time has come to declare on behalf of the people whom we are sent to represent that a more scandalous mockery of Representative Government has never been enacted in this House even on Irish questions, than to see day after day at that Table rise and answer our Questions—Questions that mostly have to deal with the condition of the farmers in Ireland, and the whole administration of the law as affecting rent and the position of tenants—a Gentleman who has no acknowledged political position, who has himself, as much as any man in Ireland, brought about the condition of things which renders this interrogation necessary, and whose relations with his tenants will not bear investigation, as the result of the inquiries of the Sub-Commissioners appointed by the Government of this country abundantly testifies, and who, if there was any decency left in the Irish Government, would be one of the last men on their side whom they would ask to stand up there and answer Questions affecting rents and the administration of the law in regard to Irish tenants. Now, I think we are entitled to demand from this House, and to demand of the Unionist Members of this House, whether, in their opinion, we are being fairly treated as Representatives of the people of Ireland —considering this subject from the Unionist point of view—when we are asked to take our answers from this Gentleman? We know what the system has become; the Irish Secretary never deigns to walk into the House until the Questions are answered, and we are asked to accept, as bearing upon the whole administration of Ireland, the statements of the right hon. and gallant Gentleman the Member for the Isle of Thanet (Colonel King-Harman), who fled from Ireland—I am now speaking in a political sense—because he knew he could not get a seat south of the Boyne, and, indeed, I doubt very much whether he could have got a seat north of the Boyne either. The time, I think, has come when this question must be fully discussed, and I shall be very much surprised and disappointed if some Unionist Member does not get up in this House and give us the benefit of his opinion on this question. I shall be very much surprised if some one of them does not get up and tell us whether it is, or is not, his opinion that the future government of Ireland ought to be managed in this manner. If they are brave men, let them get up and make some declaration; if they are not brave men, let them remain silent. We, in Ireland, are entitled to say, and we shall say—"This is what you call Unionism and fair play to the people of Ireland, when the whole administration of Ireland shall be explained and expounded by an Irish rack-renting landlord, who is a staunch friend of the Orange Society—by a man whose rents have been shorn down by one half by your own Commissioners, and by a man who is threatened from day to day by a strike amongst his own tenantry!" We do not know at what moment the man standing at that Table to expound the principles of the Irish Government, and who is responsible for the proceedings of the Irish Government, will not be in collision with his own tenantry, whom the record of your own Commissioners show to be virtually in the right whilst he is altogether in the wrong. We are accused of personalities. ["Hear, hear!"] Yes; I like to anticipate that argument. But, I would ask, how can we avoid being personal? I would ask, why did you put this Gentleman in this position? Do you mean that a man is to be made a Governor in a country, and to be given a potential voice in the management of the affairs of any country in a time like this, and that we are to be debarred from criticizing his antecedents and character? I do not wish to criticize his private character; but his dealings with his tenants, now that he is a Member of the Government, are no longer entitled to the cloak of privacy that usually covers a man's private affairs. When a gentleman takes an official post like that of the right hon. and gallant Gentleman, his dealings with his tenantry become matter of public interest. When a right hon. and gallant Gentleman places himself in this position, I say it is legitimate and fair argument on our part to discuss his dealings with his tenantry as we are discussing them; and I contend that the records of the late Commission show that it was a shameless act on the part of the Government to place this Gentleman in a responsible position in connection with the Government of Ireland. I do not know that I need speak at length on this point. I do not think there is a Member of this House now listening to me who does not agree with me in his heart. I do not believe that there is a Conservative opposite me who does not believe that it was a deadly mistake for the Government to put by the side of the Chief Secretary for Ireland in the management of Irish affairs in this House a man whose dealings with his tenantry your own Blue Book shows to be so questionable. Why did not the Government put down a Vote for this Gentleman in the Estimates? Why did they not challenge the opinion of the House before they entered upon this course? So far as my limited knowledge of Parliamentary proceedings goes, the course they have taken in regard to the right hon. and gallant Gentleman's appointment is entirely unprecedented—that is to say, the course of nominating to the most responsible position in the Government—for the moment I know of no more responsible position than that which has to do with the government of Ireland—a Gentleman who has no salary, and whose nomination is thereby withdrawn from the control of Parliament and from criticism—or almost withdrawn from Parliamentary criticism—and is discussed, I may almost say, by the toleration of the Chair—I believe it to be almost unprecedented that they should create this Office, and put this right hon. and gallant Gentleman in his present position, without sending him back to his constituency, and without challenging the decision of Parliament; and I believe that by that action the Government have plainly indicated to this House and the country that they were ashamed to face debate on the character of this appointment. I do not propose, at this stage, to take up the time of the Committee any longer upon this matter; but, in my opinion, it would be impossible to exaggerate the difficulty that will arise if the Government persist in carrying on the present system of replying to Irish Questions through the mouth of the right hon. and gallant Gentleman the Member for the Isle of Thanet. I do not think that they could adopt a method of striking a heavier blow at the Union between the two countries. [*Laughter.*] Hon. Members are perfectly at liberty to laugh, because I tell them honestly that I was extremely pleased at this appointment. It is the most stupid thing that an English Government ever did—an English Government whose desire is to maintain the Union; and I warn the Government that while we shall continue, on every occasion, to protest against the appointment, I, for my own part, was rejoiced that they made the appointment, and shall not be a bit sorry if they stick to it.

Mr. A. J. BALFOUR: As the attack which the hon. Gentleman has just made is upon the Chief Secretary and the Under Secretary, perhaps my hon. Friend who rose from the Bench behind me will allow me to interpose for a few minutes between him and the Committee. Before I go to the main body of the speech of the hon. Member opposite, perhaps I may allude to the subject which he began with, which had reference, if I recollect rightly, to the question of the salary of the present Permanent Under Secretary for Ireland? He told us that the salary of the late Permanent Under Secretary had been raised from £2,000 to £2,500 per annum on personal grounds; that those personal grounds had been continued to the present holder of the Office, and he asked for an explanation of the fact. Well, I may remind the hon. Gentleman that the present holder of the Office (Sir Redvers Buller) accepted the post very reluctantly on grounds of public duty, and not as a permanent appointment which he was going to hold for a great length of time, and that the salary is as personal to him as it was to his predecessor, and will not fail to be revised when the time comes for Sir Redvers Buller to retire. Then the hon. Gentleman went on to say that I did not earn the liberal salary which he seems to think I receive. I cannot help thinking that, through the whole of his speech, the hon. Gentleman seemed very hard to please. There are now two officials in this House responsible for the conduct of Irish affairs. There is the right hon.

and gallant Gentleman the Member for the Isle of Thanet. ["No, no!"] They object to me because I have too big a salary, and they object to my right hon. and gallant Friend because he has no salary at all; they object to me because I know too little of Ireland, and they object to my right hon. and gallant Friend because he knows too much of Ireland. I do not know how we can ever succeed in striking a happy mean that will satisfy the fastidious tastes of hon. Gentlemen opposite. Then the hon. Gentleman reproached me with having been only four days——

MR. DILLON: No; three.

MR. A. J. BALFOUR: I think he was wrong in his three. If I recollect rightly, I have been about a week there; but I will not quarrel over hours with him. The hon. Gentleman reproached me with having been only a few days in Ireland since I was appointed to my present Office. The hon. Gentleman forgets that my presence has, unfortunately, been required in this House almost continuously since that time. He complained bitterly that I am not here every day to answer Questions; but I want to know, if my absence for that short hour in the evening is so bitterly resented by the hon. Gentleman, how it would be possible for me, consistently with the limitation that regulates all one's movements—namely, of being able only to be in one place at a time—to be in Ireland and in my place in this House to carry on the serious duties that fall to my Office at the same time? I must say that the hon. Gentleman was a little hard on me in that respect. He began by criticizing the amount of the salary that the Chief Secretary receives; and having begun in that way he went on to say that, not only in this country, but throughout the civilized globe, there was not a single official who had placed on his shoulders duties of so difficult, delicate, and responsible a character as mine. I began to think, when I heard the hon. Gentleman make these remarks, that I was the least paid official in this country, and I fully expected him to finish his speech by a Motion to the effect that the salary should at least be doubled. Then the hon. Gentleman went on to attack me for not being in my place to answer Questions. [An hon. MEMBER: Coals!] When I occupy my present post through the winter, as I hope to do, I shall be able to give the hon. Gentleman some information in regard to that particular item of my salary. At present I have no information as to the amount of coal which is required to be burned in the Chief Secretary's lodge. He complained of my not being in my place to answer Questions, and he said that it was perfectly necessary that I should be in my place at Question time, because Questions of great importance were asked, chiefly with regard to delicate and important controversies between landlords and tenants. Well, Sir, when he made that remark I took up the Order Paper for to-day, which I had not seen up to that moment, and glanced at the Questions, which I had not had an opportunity of looking at. [*Ironical cheers.*] Well, Questions I was under no necessity of looking at, because the duty of replying to them was undertaken by my right hon. and gallant Friend. I have looked through them, and I find that there were altogether 13 Questions asked of the Department over which I preside. I see that the first Question relates to the appointment of a monitor for the Annadown National School, County Down; the second Question refers to a new Loan Fund recently established at Ederney, County Fermanagh, on the application of a parish priest, and as to whether there is a Loan Fund at Kesh, two miles and five furlongs from Ederney, and another at Lack, three miles and four furlongs from the same; and whether these Loan Funds do or do not come up to the proper regulations? Question No. 3 relates to the grounds upon which the Board of National Education made an order in February altering the status of the workmistress of the Aughiogan National School, County Tyrone; No. 4 relates to the further examination of a certain Miss Daly, of Milltown, County Tyrone, in view of the fact that her appointment has been already ratified by the Education Board; Question No. 5 relates to a line of tramway between Schull and Skibbereen; No. 6 refers to the same tramway line; No. 7 refers to the sanitary arrangements of the Monaghan District Lunatic Asylum—no doubt, a very proper Question; No. 8 has reference to the exclusive right of the ferryage of the Derry Bridge Commissioners across the River Foyle at Derry; No. 9 relates to two large wings of the workhouse at Monaghan, at present occupied by the Monaghan Militia ——

Mr. CHANCE (Kilkenny, S.): Question No. 11, to which the right hon. Gentleman refers, deals with the eviction of 65 families by landlords within the Monaghan Union.

Mr. A. J. BALFOUR: I am numbering the Questions myself. Question No. 10 deals with the Return showing the working of the Labourers' Acts (Ireland) Order for April 5, 1887; No. 11 refers to a Resolution of the Granard Guardians, protesting against delay in making a Provisional Order for a scheme of labourers' cottages; No. 12 deals with the reported drunkenness and neglect of duty of one Joseph Watt; and the 13th and last Question is with regard to an assault committed on a warder named M'Connell, in Mountjoy Prison, on the 9th instant, by two convicts.

Mr. CHANCE: Will the right hon. Gentleman give attention to Question No. 11 on the Paper, which he says relates to two large wings of the Monaghan Workhouse, but which really relates to certain landlords within the Monaghan Union having notified the Guardians of their intention to evict 65 families. [*A laugh.*]

Mr. EDWARD HARRINGTON (Kerry, W.): This is no laughing matter.

Mr. A. J. BALFOUR: No doubt the Question referred indirectly to the eviction of 65 families. I have not had time to look at it very carefully; but it seems to me that what the Question primarily referred to was the accommodation in two wings of the workhouse. The hon. Member appears to think that I am guilty of a great dereliction of the difficult and responsible duties which, at the beginning of his speech, he so eloquently described to us, by not coming down at half-past 4 in the evening and answering these Questions; but I do not care who it is that is Chief Secretary to the Lord Lieutenant, whether it is a person as totally ignorant of Irish affairs as the hon. Gentleman says I am—I do not know why he said that, because, though it is true that since I have been appointed Chief Secretary I have not spent a long time in Ireland, still the hon. Member will recollect that I have been now some 15 years in Parliament, and during that time I have had the privilege and pleasure of listening to Irishmen for about four hours every night—either I must be very stupid—[An hon. Member: So you are.]—either I must be very stupid, or hon. Members from Ireland must be obscure, if, during these 15 years' experience, I have obtained no knowledge whatever of the country which they so ably represent—I do not care who it is who has to answer Questions of the kind I have described—I do not care who the Chief Secretary is, whether he is as ignorant as I am myself, or whether he has had as intimate and perfect an acquaintance with the affairs of Ireland as had my Predecessor in Office who represents the Stirling Burghs (Mr. Campbell-Bannerman), who is so indignant with me, or rather who has criticized, so far as criticism is possible, the conduct I pursued in transferring part of my duties to my right hon. and gallant Friend the Member for the Isle of Thanet——

Mr. CAMPBELL-BANNERMAN (Stirling, &c.): I did not express indignation.

Mr. A. J. BALFOUR: Well, the right hon. Gentleman has criticized, so far as criticism is possible; but I would submit that in dealing with Questions such as the reported drunkenness and neglect of duty of a relieving officer, or an assault committed on a warder in a prison, or the examination of a workmistress in a National School, whoever answers the Questions can only supply information derived direct from the localities. The official answering is, and must be, simply a means of transferring to Members of this House the information he has derived from the localities; and I venture to think that in the arrangement of Business between my right hon. and gallant Friend and myself, the public suffers no loss by my transferring to him the duty of replying to these Questions. Replying to these Questions takes up about an hour—from about half-past 4 to about half-past 5 o'clock. Suppose 20 Questions are asked of a Chief Secretary—and I think that was about the number the last time I attended to reply to them—it will take, perhaps, three minutes to answer each Question, an hour in all, which is not a very long time. There will be probably about 20 other Questions, so that about two hours are spent every day in replying to these queries, which have not, as a rule, any bearing upon important controversies between landlord and tenant, but which relate solely to small local matters such as I have described. No doubt, they are very proper Questions to be put to the Government; but, at the same time, they are Questions to answer which does not require any very profound knowledge of the country to which they relate, or any very transcendant abilities to deal with them properly. Then the hon. Member attacked me for availing myself of the assistance of my right hon. and gallant Friend the Member for the Isle of Thanet, and I much regretted to hear him make several strong personal accusations against my right hon. and gallant Friend, which my right hon. and gallant Friend has already amply and fully refuted. The hon. Gentleman opposite must be aware that when he and his Friends adopted the plan of personal accusation against my right hon. and gallant Friend, my right hon. and gallant Friend—I think with becoming patience—did not condescend to answer them until, in the public interest, he was driven to do so a few days ago. Did the hon. Member opposite hear the observations made by my right hon. and gallant Friend on that occasion? Did he hear him explain that in 1881—I think that was the year——

The PARLIAMENTARY UNDER SECRETARY for IRELAND (Colonel King-Harman) (Kent, Isle of Thanet): Yes; that was the year.

Mr. A. J. BALFOUR: Did he hear my right hon. and gallant Friend explain that in 1881, on a rental which I believe is more than £40,000, the whole difference from Griffith's valuation was not more than £100? And is the hon. Gentleman not aware that Griffith's valuation was made at a time when prices were lower than they are now? ["No, no!"] Yes; that is so—that Griffith's valuation was made at a time when prices were lower than they are now? And is he aware that Griffith's valuation was not made for the purpose of rental, but for the purposes of taxation, and, being made for purposes of taxation, was generally estimated to be not less than 25 per cent below the letting value of the land?

Mr. CLANCY: (Dublin Co., N.): Rubbish!

Mr. A. J. BALFOUR: I hear the hon. Member use an argument familiar with hon. Members who sit below the Gangway opposite—he objects to my statement as "rubbish." I do not know which of my propositions he objects to as rubbish.

Mr. CLANCY: All of them.

Mr. A. J. BALFOUR: Does he mean to say that prices were not lower then than they are now? If he will take the trouble to look into the facts he will see that I am right. Does he deny that Griffith's valuation was made for the purposes of taxation, and not for the purpose of rental? Does he deny that, being made for the purposes of taxation, it was estimated at a figure below the letting value of the land? If he does not deny any of these things, and if he admits, as he must admit, that the rental of my right hon. and gallant Friend's estate is as I have said—if we are to condescend to discuss these personal matters—if he sees that my right hon. and gallant Friend's rental was within £100 of Griffith's valuation, or, in other words, that there was only a fractional difference between the two, will he not admit that my right hon. and gallant Friend cannot in any sense be justly accused of being a man who attempts to drive his tenants hard, or to exact from them more than they can be honestly expected to pay? I confess that I regard the attacks which have been made upon myself with perfect indifference. Every Chief Secretary for Ireland has to undergo attacks of that kind, and I am quite aware that if it were my lot—as probably it will not be—in two or three years' time to agree with hon. Members opposite on any matter upon which they have set their hearts, they would probably laud me with the same amount of eulogy which they accord to Lord Spencer and to Sir George Trevelyan, whom they attacked far more unscrupulously and violently than they have so far attacked myself. But I confess I regret the ground of attack that has been made on my right hon. and gallant Friend the Under Secretary. No man in this House knows more about Ireland than he does. No man in this House is more capable of effectively discharging the duties of his Office; and if he is prepared to discharge those duties so far without reward, is that to be made a reproach to him, and ought it not to be regarded as an additional proof of the disinterested services he is ready to give to Ireland? The hon. Member opposite objects to my not being here to answer Questions. [An hon. MEMBER: We object to you altogether.] I do not appeal to him; but I appeal to other Members, in whatever quarter of the House they sit, to say whether my right hon. and gallant Friend has not discharged the duties of his Office, be they difficult or be they easy, to the satisfaction of every reasonable man? Whether he has not shown himself fully adequate to the discharge of every duty that has been intrusted to him? But I may tell the Committee that outside the House my right hon. and gallant Friend's services have been even greater than they have been inside, and my right hon. and gallant Friend has brought to the assistance of the Irish Government—and I am proud to acknowledge it in spite of the sneers of hon. Gentlemen opposite—an ability, an industry and knowledge, from which the Government derived great advantage, and which, at all events, I am glad hon. Members have given me an opportunity of acknowledging in my place.

MR. CAMPBELL-BANNERMAN (Stirling, &c.): Sir, it seems to me that the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) has, to-night, surpassed himself. The object of the Government, I suppose, is to obtain this Vote on Account with as little difficulty and as little delay as possible. The right hon. Gentleman has made the speech to which we have just listened, and has made very light of his duties in this House. He has read over some of the Questions——

MR. A. J. BALFOUR: All of them.

MR. CAMPBELL-BANNERMAN: He has read over the Questions addressed to him by name by the Representatives of Irish constituencies, and he has found them one and all unworthy of the notice of so exalted a personage as the Chief Secretary to the Lord Lieutenant. The right hon. Gentleman has had Predecessors in that Office who have had quite as much on their hands as he has. I speak of the late Mr. Forster, and the right hon. Baronet the Member for one of the Divisions of Bristol, the right hon. Gentleman's immediate Predecessor (Sir Michael Hicks-Beach)—I single them out, because they were at the same time Members of the Cabinet while they were Chief Secretaries for Ireland, which makes a material difference between their positions and that occupied by more humble persons, such as myself, who, when they held the Office of Chief Secretary, had not a place in the Cabinet. Mr. Forster and the right hon. Gentleman the Member for Bristol never, that I am aware, declined to answer Questions that were addressed to them by Irish Members in this House. The right hon. Gentleman speaks of himself or his Assistant in this House as the conduit-pipe for local information. He admits that he did not, until he rose to-night, look at the Paper to see what was on it, so that we shall know in the future, when the right hon. and gallant Gentleman the Member for the Isle of Thanet (Colonel King-Harman) rises to answer Questions, he does not speak in the name of the Chief Secretary or in that of the Irish Government, but merely in his own name. I have had myself some experience in answering Questions. I believe I had one day the heaviest list ever presented to any Irish Secretary, because I had to answer no fewer than 51 Questions. I will venture to tell the right hon. Gentleman what my experience was. I gave a great deal more than three minutes' consideration to each of these Questions. The answers which were sent to me from Ireland were in many cases extremely unsatisfactory, and again and again I had to communicate with the officials who had furnished me with those answers. [Mr. A. J. BALFOUR: Hear, hear!] From watching that process again and again, grievances and evils were brought to my notice which I, in turn, had to consider and bring before my Chief—the then Viceroy Lord Spencer—and I can say honestly that I believe a great deal of good was done by the multitude of Questions put, although in this House they sometimes seemed excessive. The mere answering of a Question is not the only part of it. The object is to bring to any ordinary mind the fact of a certain grievance existing; but the right hon. Gentleman has proclaimed to the House to-night, as we might, indeed, have expected from his general manner and treatment of the subject, that he moves in a sphere altogether above the consideration of these matters. Then, Sir, the right hon. Gentleman spoke of the complaints that have been made of the appointment of the right hon. and gallant Gentleman the Member for the Isle of Thanet. I need hardly say that, on the personal part of that question, I have nothing to say. So far as answering Questions goes and his career as a Member of this House, I have nothing to say whatever against that right hon. and gallant Gentleman; but when hon. Members complain of his being appointed to take the place of the right hon. Gentleman the Chief Secretary, not occasionally, but habitually and every day, what occurs to most of us is this—that although that treatment of the subject may be very suitable for Irish Questions, it would not be tolerated for one moment with regard to English Questions. What would be said if, I will say, the Civil Lord of the Admiralty were day after day to answer all the Questions addressed to the First Lord of the Admiralty, and then, when the Questions were all over, the House were to see the First Lord come in with a jaunty air and take his seat on the Treasury Bench? Why, Sir, there is no one on the other side of the House who would consider that a tolerable arrangement for one week, although if the First Lord were ill or absent from an unavoidable cause, it would, of course, be the commonest thing in the world that his subordinate should answer the Questions for him. But not only is that the case, but the officer who has to answer the Questions is unpaid, or, in other words, has been appointed to his present position without the knowledge or consent of Parliament. There is a very strict limit set upon the number of officials who can sit in Parliament receiving salary. The right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) will say that this does not exempt him from the power of adding to the number of officials who do not receive salaries. Well, Sir, that may be the technical excuse, but I do not think there is much real foundation in it. If a Member of this House is appointed to even a subordinate place in the Government, though he receives no salary, he has emolument—surely his emolument does not entirely consist of salary. He has the honour of sitting on the Treasury Bench, which, of itself, is much coveted, and he has all the dignity and importance attached to a Member of Her Majesty's Government, and I see nothing to hinder the Government, on the same footing, appointing 40 or 50 of their followers subordinate Members of the Government, and thus completely getting round all the guarantees that have been laid down by the rules which at present govern these matters. These are the reasons why we find the present arrangement very extraordinary. But it adds to the singularity of the situation when we find that at the same moment that there is this double arrangement in the House of Commons it so happens that there is also a double arrangement in the House of Lords, and that the Government have, for the first time, I believe, not only a Chief Secretary in the Cabinet, but a Lord Chancellor for Ireland in the Cabinet, and that Lord Chancellor, the only reason for whose position in the Cabinet one would take to be that he should represent the Government in the House of Lords, does not represent the Government in the House of Lords, but another Member of the Cabinet is appointed for the duty. The result is that there are three Members of the Cabinet representing Ireland, two in the House of Lords and one in this House, and; in addition to these, we have the right hon. and gallant Gentleman the Member for the Isle of Thanet. These are the reasons why it does appear to us that this is a very extraordinary arrangement; and I cannot say that these reasons have been at all obviated or diminished in our minds by the speech which has just been delivered by the right hon. Gentleman the Chief Secretary for Ireland.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I have been greatly edified by the excitement of the right hon. Gentleman opposite. The complaint of the right hon. Gentleman is that the affairs of Ireland have been looked after by more Members of the present Government than has been the case under preceding Governments. The complaint that has been made by hon. Members opposite is, that it appears to the present Government that the interests of Ireland are of such great importance that not only the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour), but an Assistant Secretary, the Lord

Privy Seal, and the Lord Chancellor of Ireland have interested themselves and have concerned themselves deeply in endeavouring—[*Laughter.*] I appeal to the right hon. Gentleman in the Chair whether it is fitting that the laughter of hon. Members below the Gangway opposite should meet a statement—a statement which I am making with the endeavour to recall Parliament to the consideration of the real facts of the case? The Government appreciate the gravity of the circumstances, and the condition of Ireland at the present time. We have felt that any intellect, any skill, and any ability which we possess ought to be devoted to the solution of the great problems which the government of Ireland involves. My right hon. Friend the Chief Secretary for Ireland is at the present moment engaged in the consideration and preparation of two most important measures relating to Ireland; and he felt it necessary, and the Government felt it necessary, that he should be assisted by my right hon. and gallant Friend on my left, who brings to his help a knowledge of the circumstances and of the condition of Ireland which hon. Members below the Gangway may not accept as being accurate from their point of view, but which is, of course, of great value in the opinion of my right hon. Friend the Chief Secretary. What is the complaint of the right hon. Gentleman opposite? The right hon. Gentleman appears to think that because neither Mr. Forster nor Sir George Trevelyan had an Assistant Secretary, therefore it is highly improper that the right hon. Gentleman the present Chief Secretary should have an Assistant Secretary.

Mr. CAMPBELL-BANNERMAN: The complaint was that the present Chief Secretary hands over the duty of answering all the Irish Questions to his Assistant Secretary.

Mr. W. H. SMITH: Hands over the duty of answering all the Irish Questions to his Assistant Secretary. Does the right hon. Gentleman not know that the Government are responsible for every answer that the right hon. and gallant Gentleman gives? The right hon. Gentleman must be fully aware that the Government are just as much responsible for the answers that are given by the right hon. and gallant Gentleman the Assistant Secretary as they are for those given by the Chief Secretary himself. The right hon. Gentleman opposite, when Chief Secretary himself, was not in the Cabinet, and yet his Government were bound by his answers.

Mr. CAMPBELL-BANNERMAN: I, at all events, was Chief Secretary.

Mr. W. H. SMITH: But the right hon. Gentleman was not at the time a Member of the Cabinet. He spoke only with the authority of Chief Secretary; but, nevertheless, his answers bound his Government. Well, the Assistant Secretary represents the Chief Secretary, and binds the Chief Secretary.

Mr. CAMPBELL-BANNERMAN: The very thing we complain of.

Mr. W. H. SMITH: We are asked whether we are going to appoint 40 or 50 Members of this Party to be Assistant Secretaries. Does the right hon. Gentleman really mean to ask such a question as that in good faith? No, Sir; he takes advantage, or he thinks he takes advantage—he does not really take advantage, because it is a remark which really recoils on himself—of circumstances and conditions that are absolutely abnormal. We have endeavoured to do our best to provide for the good government of the country, and have made what arrangements we believed to be necessary. We have come to the conclusion that some assistance must be given to the Chief Secretary, in order to enable him to give due consideration to the preparation and the submission to Parliament of measures which we deem to be of the utmost importance to the peace, the prosperity, and the happiness of Ireland. Of those measures there are two now before Parliament, and a third is in preparation; and the right hon. Gentleman opposite, never having had to produce such measures, has no idea of the amount of labour and of responsibility that the preparation of those measures involves. The right hon. Gentleman opposite said that Parliament had no notice of the appointment of my right hon. and gallant Friend to the Office of Assistant Secretary; but the fact is that Parliament had ample knowledge of it.

Mr. M. J. KENNY? Ample notice of the fact?

Mr. W. H. SMITH: Ample notice that such an appointment was made; and Parliament knew that it was entirely within the competence of Her

Majesty's present Government, or of any other Government who felt it to be their duty, to make such an appointment. I must point to a fact that the right hon. Gentleman opposite is well aware of—namely, that even if the Office to which the right hon. and gallant Gentleman has been appointed had been a paid one, it would not have been necessary that the right hon. Gentleman should have vacated his seat, the post not being one that renders it necessary for the holder to go to his constituents for re-election on his accepting it. With regard to answering Questions, as I have indicated, my right hon. and gallant Friend, in replying to Questions, speaks with the full authority of the Government in giving complete replies to every Question which may fairly be put to the Members of the Government. I fully recognize the responsibility of the Government in answering Questions by whomsoever they may be asked; but, while making proper provision for the answering of Questions, the Government have to discharge the higher duty of seeing that their measures are properly considered and presented to Parliament.

MR. HENRY H. FOWLER (Wolverhampton, E.): I can assure the right hon. Gentleman opposite that no one for a moment impugns the motives of the Government in making this appointment. The question for the Committee is whether the Government have acted Constitutionally and in accordance with the law of Parliament in making it. When the right hon. Gentleman pleads in justification of the appointment the abnormal state of affairs existing at the present time, and that the Chief Secretary to the Lord Lieutenant has on his shoulders two important Bills—that is to say, the Coercion, and, I suppose, the other is the Land Bill now before the House of Lords —I would remind the right hon. Gentleman that Mr. Forster, when Chief Secretary, had on his shoulders not only the preparation and passing through Parliament of a Coercion Bill, but also of a great Land Bill; and that the work devolving on the Chief Secretary in those days was certainly as heavy as that devolving upon the present Chief Secretary to-day. I should be sorry if this question assumed anything of a personal character. I certainly do not consider the Chief Secretary over-paid, because I consider that there is only one post in Europe which, for the anxiety and responsibility it entails, could compare with that of the right hon. Gentleman, and that is the position of the Czar of Russia. The right hon. Gentleman may very well say that no compensation can be too high for the responsibility, the anxiety, and the vexation of his Office, whoever fills it, whether a Member of the Party sitting opposite, or sitting on this side of the House. But what I wish to ask the Committee is —and this appears to be a favourable opportunity for doing it, an opportunity for which one has hitherto sought in vain—whether the appointment of the Under Secretary for Ireland is a Constitutional one or not ?

THE CHAIRMAN: I do not think it would be appropriate to raise that question.

MR. HENRY H. FOWLER: I bow, of course, to your ruling, Sir; but as the right hon. Gentleman the First Lord of the Treasury has attempted to justify the appointment I wished to enter a protest upon the point. I will not pursue the matter one sentence further. I should have been glad of an opportunity of saying that I consider that the creation of any new Office under the Crown, whether or not its acceptance involved the vacating of a seat in this House—for I do not lay stress on that point—without the consent of Parliament is un-Constitutional. As, however, you rule, Sir, that it is not competent for me to go into the question at this moment, I will say no more with regard to it, but will take another opportunity of calling attention to it.

MR. T. C. HARRINGTON (Dublin, Harbour): The speeches we have listened to from the right hon. Gentleman the First Lord of the Treasury and the right hon. Gentleman the Chief Secretary, more than any other speeches which we have heard from the Tory Party for some time, show the appropriateness of the name applied to them of "the stupid Party." Both right hon. Gentlemen, in the course of their speeches, occupied a considerable time in sounding the praises of the right hon. and gallant Gentleman the Assistant Under Secretary—or Under Secretary—whatever he may be called. One would think, from the speech of the Chief Secretary, that the duties of the right hon.

and gallant Gentleman the Member for the Isle of Thanet (Colonel King-Harman) has to discharge in this House are duties of the utmost importance, and that he discharges them with an amount of ability which must command the confidence and admiration of this Assembly. Now, what are the duties, so far as we can see, which have been discharged by that right hon. and gallant Gentleman? Why, the merest schoolboy of a few years' experience would be able to do that which the two Leaders of the Tory Party in this House so loudly praise the right hon. and gallant Gentleman the Member for the Isle of Thanet for doing. His duties, so far as we can see, consist in his standing there at the Table and reading out to us answers prepared for him by some police constable or other official in Ireland. That is the only exercise of his extraordinary powers that we have seen in this House; and, certainly, I do not think the Government are to be complimented on the fact of the right hon. and gallant Gentleman's addition to their ranks. They comfort themselves with the idea that they have got, in the right hon. and gallant Member for the Isle of Thanet, a real acquisition; but, as I have said, he is no more valuable to them than would be a schoolboy of a year's experience. Now, the right hon. Gentleman the Chief Secretary for Ireland, in the manner in which he treated the Questions put by the Irish Members in this House to-night, has furnished another proof that the suspicion which was in the minds of hon. Members on this side of the House, and which was given expession to by the hon. Gentleman the Member for East Mayo (Mr. Dillon), is amply justified—namely, that he is determined to treat with contempt the elected Representatives of the people of Ireland, and therefore he has refrained from being in his place when Questions affecting Ireland have been before the House. We do not complain of having to deal with the right hon. and gallant Gentleman the Member for the Isle of Thanet, as compared with the right hon. Gentleman the Chief Secretary. What we complain of is that the official who replies to us is not responsible to this House or to Parliament. We contend that he should not be a mere instrument of the Government, but should be able to give effect to the answers he gives us. Now, the right hon. Gentleman the Chief Secretary, standing up at the Table, in the course of his speech to-night, has shown us that so long as these Questions have been answered by the right hon. and gallant Gentleman the Member for the Isle of Thanet they have been answered altogether on his own responsibility, and the responsibility of the officials in Ireland, and that the officials in this House, to whom we are to look for redress of grievances and abuses in Irish Governmental Departments, is altogether ignorant of the representations we make. The right hon. Gentleman treats with supreme contempt—with a contempt that is, if possible, more offensive than his whole bearing upon Irish matters—the Questions that are asked by Irish Members. The right hon. Gentleman pretends to have some knowledge of Ireland. We complain that while before we could very well afford to stand his ignorance of Ireland and Irish affairs, because it did not affect us, that now he is the one officer who is responsible for Irish affairs he keeps out of the House when Questions are being asked, and he never can have any knowledge of the facts to which these Questions relate. The right hon. Gentleman seemed to think that he made a great point when he said that if, in a few years hence, he should become a convert to our opinions upon the Home Rule Question, we should be likely to praise him just as we praised former Chief Secretaries for Ireland. I can re-assure the right hon. Gentleman on that point. We always know how to make a distinction between men who understand their duties and stick to them, however disagreeable they may be, and men who run away from them. We have often opposed Irish Secretaries, but even when we differed most from them we have seldom had to deny them the possession of courage and the possession of a sense of duty. But even if the right hon. Gentleman the Chief Secretary should become a convert to our opinions, unless he changes his policy he will never be able to get the credit of having stuck to his post. He has found it very convedient to get as a substitute a political Cerberus in the person of the right hon. and gallant Gentleman the Member for the Isle of Thanet. I must say we had very little confidence in the knowledge which the right hon. Gentleman the Chief Secretary brings to bear on Irish subjects; but if there is one man in Ireland whom no Chief Secretary could afford to stand up and justify before the Irish people, that man is the right hon. Gentleman's Colleague the right hon. and gallant Gentleman the Member for the Isle of Thanet, one of the rack-renting landlords of Ireland. It is an insult to the Irish representation and to the Irish people that the Chief Secretary should shelter himself behind such a personage in this House, and excuse himself from giving to the work of the Department to which he belongs and to the Irish people the benefit of qualities for the possession of which, presumably, he was appointed. The right hon. Gentleman has given us some figures as to the rental of the estate of his right hon. and gallant Colleague. I do not wish to dwell on that subject—I should be out of Order if I did; but I do not think we should not allow the remarks of the right hon. Gentleman to pass unchallenged. He stated, on information, no doubt, received from his right hon. and gallant Colleague, that in 1881 there was only £100 difference between the entire rental of the right hon. and gallant Gentleman's property and the gross Government valuation. Well, but all the property in the hands of the right hon. and gallant Gentleman, and all that which he farms himself, is taken from the rental, but is left in in the valuation which is given. That makes a very important difference. I notice that the right hon. Gentleman does not stand up to challenge that statement. Is the right hon. Gentleman the Chief Secretary aware that, by the information which is supplied to him, and which he gives to the House, English Members are deceived in these matters? On the strength of assurances and untruths supplied to him, he stands up and deceives the House. Then there is another important matter. Numbers of holdings on this property were let before it came into the possession of the right hon. and gallant Member for the Isle of Thanet, and were let on fines that were extorted from the tenants.

The PARLIAMENTARY UNDER SECRETARY for IRELAND (Colonel King-Harman) (Kent, Isle of Thanet): I rise to Order. I wish to know whether the hon. and learned Member is in Order in imputing untruths to a Member of this House? I wish to explain that no fines have been taken on my property for three generations.

The CHAIRMAN: If the hon. and learned Member does impute untruth to any other Member he is distinctly out of Order.

Mr. T. C. HARRINGTON was understood to disclaim having imputed untruth to the right hon. and gallant Gentleman.

Colonel KING-HARMAN: The hon. and learned Gentleman distinctly used the word "untruth."

Mr. T. C. HARRINGTON: I distinctly stated that the right hon. and gallant Gentleman gave to the Chief Secretary this statement—that there was only a difference of £100 between the rental of the right hon. and gallant Gentleman and the valuation of his property; but that he omitted to state that the amount of the property in his own hands was included in the valuation, while no rental was allowed for; and that in this way the right hon. Gentleman the Chief Secretary was put in a position to state an untruth to the House.

Colonel KING-HARMAN: I am in the recollection of the Committee. The hon. and learned Gentleman distinctly said that I had stated an untruth.

The CHAIRMAN: The hon. and learned Gentleman disavows any such statement.

Mr. T. C. HARRINGTON: I never said anything of the kind. If I had made the statement I have now made to the House in the absence of the right hon. and gallant Gentleman the Member for the Isle of Thanet, I have no doubt that hon. Members on the other side would have got up and denied what I have stated. But now I congratulate the right hon. and gallant Gentleman that he has, by his challenge, emphasized the important difference I have pointed out, and also the manner in which the House has been deceived. Then there is another point. While part of the right hon. and gallant Gentleman's estate is held at low rents by large graziers, who have extensive tracts of the estate, he has raised the rents of the smaller tenants on the other portions of his estate as often and as much as he could raise them. That is the state of facts of which he has been proved guilty by the Sub-Commissioners. I will read to the House some of the rentals on the right hon. and gallant Gentleman's estate, with the reductions that have been made.

THE CHAIRMAN: The hon. and learned Member himself, at the begining of his remarks, seemed to feel that he was going beyond the Question in entering into details, and yet he now proposes to go into matters only very remotely connected with the Vote before the Committee. It would be quite out of Order to enter into the details he proposes to state.

MR. T. C. HARRINGTON: I will only give the sum total of the rentals, and the valuation on a single page of the decisions of the Sub-Commissioners. Now, upon one page of these decisions I find the Poor Law valuation is £584. The gross rental was £658, and that rent was reduced from £658 to £392. That is the model landlord who is held up to our admiration by the Chief Secretary; and when we are told by the right hon. Gentleman the First Lord of the Treasury that the reason for the absence of the Chief Secretary from the House is that he is hatching important measures relating to the holding of land in Ireland, we have an idea of the spirit in which he will approach the question from the character as a landlord which he has given to his Colleague. Now, my reason for objecting to the manner in which we have been treated in regard to the right hon. and gallant Gentleman the Member for the Isle of Thanet (Colonel King-Harman) is this—that I look on his appointment as a reward for political recreancy alone. We have heard from the right hon. Gentleman the Chief Secretary an assurance that, at all events, there was no danger that he would come over to our opinions on the Home Rule Question. Will he give us the same assurance with equal confidence in regard to his Colleague? He is an older Home Ruler than I am. He was a Home Ruler long before I could say a word on the subject. Lately I possessed myself of the minutes of the Home Rule League—the minutes of their various meetings with the strong resolutions they passed.

THE CHAIRMAN: One portion of this Vote is for the salary of the Chief Secretary. He has devolved a certain part of his duties on the Under Secretary, and that is properly a subject of criticism. But as the right hon. and gallant Member for the Isle of Thanet is not provided for out of the Vote his character and conduct are not the subject for criticism.

MR. DILLON (Mayo, E.): On what Vote or in what manner are we to discuss the way in which the right hon. and gallant Member for the Isle of Thanet discharges his duties?

THE CHAIRMAN: The discharge of his duties in this House does become matter for criticism; but his character and past career as a Home Ruler do not become matter for criticism.

MR. T. C. HARRINGTON: Now, I shall not dwell further on this subject, which I know cannot be a very pleasant one to the right hon. and gallant Gentleman the Member for the Isle of Thanet or for the Government. I hope we shall have some opportunity for voting a salary to the right hon. and gallant Gentleman, in order that on the Vote for his salary we may show his Colleagues what manner of man he was. I will now only finish by saying that I believe the manner in which the right hon. Gentleman the Chief Secretary has treated the House in regard to important Irish Questions is the most instructive lesson which has been given to the people of Ireland, and also to the people of England, for a considerable time. As the hon. Member who has preceded me in this debate has remarked, no Member of the Government would attempt to treat any other portion of Her Majesty's Dominions with the same contempt with which Ireland has been treated by the right hon. Gentleman. He cannot deny that he has constantly remained away from the House while Irish Questions are treated at Question time, and that he has delegated the performance of his duty in regard to answering Questions to a Colleague who is altogether irresponsible to us and to this House. I think that if the right hon. Gentleman persists in the course he has lately taken, and if he persists in showing the same contempt which he has recently displayed for Irish Questions, it will be the duty of the Irish Members to take every opportunity to drag before the people of this country the manner in which Ireland is being treated at a time when you insist on the people of Ireland keeping themselves associated with the Union.

COLONEL KING-HARMAN (Kent, Isle of Thanet): I am only going to touch very lightly on one or two points to which the hon. and learned Member who has just sat down (Mr. T. C. Harrington) alluded, because he somewhat challenged me to do so; while, at the same time, he charged me with not being frank in the statement I made to the House the other day. There is one point in that statement in regard to which the hon. and learned Member seems to think that he has hit a blot, and which certainly needs explanation. That is that, in my statement as to the relative income and valuation of my estate, I did not include in the income my demesne and other land actually in hand. I thought that a matter of no importance in dealing with a large property of over 75,000 acres. The matter was so exceedingly small that I did not include the land referred to. Then, the hon. and learned Gentleman said that the rents as they existed in 1881 were rents fixed by my ancestors. Well, they were, and they were never raised by me. Therefore, I think it is for the credit both of my ancestors and myself that, as he has himself stated, those rents were below Griffith's valuation. Then the hon. and learned Member took up the Blue Book, and read one page to show the reduction of rent on one part of my property in the county of Longford; and he implied that I had raised my rents in the county of Longford. Upon my honour I never raised any rents in the county of Longford; and upon my honour I spent £24,000 in 1879, 1880, and 1881—the years of the famine—on my property in the county of Longford on which these tenants resided, and for that outlay of £24,000 I never received, and I never charged, one penny of interest.

Mr. M. J. KENNY (Tyrone, Mid.): The right hon. and gallant Gentleman the Member for the Isle of Thanet has just stated that from 1879 to 1881 he spent £24,000 on his estates in the county of Longford, which he borrowed from the Government at a nominal rate of interest—[Mr. T. C. Harrington: He never expended it.]—and which there was reason to believe was not as fully expended as it had been liberally lent.

The CHAIRMAN: The hon. Member must withdraw, and apologize for that statement and accusation.

Mr. M. J. KENNY: I only repeated an accusation which has been made; but as you, Sir, have ruled that the observation I made was out of Order, I withdraw it accordingly and apologize for it. I will only say that I regret that I had not an opportunity to state in this House what I believe to be the facts of the case with regard to the right hon. and gallant Gentleman. This is the first case in the history of the Irish Secretaryship in which we are placed in the position of having a nominal Chief Secretary who receives a considerable salary and does nothing in this House except jibe and flout, in pinchbeck imitation of one of his family, at the Questions of the Irish Members; and in the most supercilious manner possible meets our statements and charges with an affectation of absolute contempt. We are fully determined that we shall press for an explanation as to the appointment of this Under Secretary who has been put into the position he now occupies, and who resembles what is called in Ireland a species of "potheen boy"—one who does the dirty work of the Chief Secretary. I have heard that the Chinese used to be in the habit of flinging malodorous grenades at the enemy to prevent them advancing, and I believe the appointment of the present Parliamentary Under Secretary has been made in the same spirit, and with the same intention of flinging something malodorous before the Irish Members so that they cannot attack the Government of the day. I think, however, before the Government have got to the end of their tether, they will find that they have not gained much by appointing an ornamental Chief Secretary and an Orange Under Secretary. The right hon. Gentleman the Chief Secretary said, a few minutes ago, that we should be likely to speak in the same manner of him, if he changed his opinions, that we do of Lord Spencer, now that he has changed his opinions. I cannot, however, conceive the possibility of comparison between the two men. I can conceive no manner of mental or moral measurement which would bring the two men together. I do not know how it is possible to compare or measure against each other a giant like Lord Spencer and a pigmy like the present Chief Secretary. The right hon. Gentleman the Chief Secretary commenced his reply to the hon. Member for East Mayo (Mr. Dillon) by reading some Questions, and asking whether he could be expected to answer such Questions;

Well, two of those Questions were put down by Orange Members who support his policy, and I question whether the Orange Democrats who sent those Members to this House would appreciate the supercilious tone adopted by the Chief Secretary towards their Parliamentary Representatives in this House. I do not know whether we shall have any regular opportunity of raising the question of the appointment of the present Under Secretary. I have heard it stated that the present Under Secretary, though nominally unpaid, is a fairly well-remunerated official. I have heard it stated that the present Chief Secretary is content to accept a portion of his nominal salary, and that the remainder is distributed as a gratuity to those who discharge some of his Parliamentary functions.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The statement or conjecture just made is entirely, absolutely, and totally unfounded.

An hon. MEMBER: More shame for it.

MR. M. J. KENNY: If the right hon. Gentleman had done as I have suggested, it would have been no more than reasonable and just. I would remind the Committee that we have in this House, besides the Chief Secretary and this notable Under Secretary, two Law Officers of the Crown—one who takes some part in discussing a portion of the clauses of the Bill now before the House, while the other has done nothing for his official position. Formerly, when the Chief Secretary was absent from this House, the Law Officers have answered Questions. What I want to know is this—why two Irish lawyers, who have as much knowledge of the Irish people as the Under Secretary for Ireland, and have not, like him, been brought into conflict with the Irish people on questions relating to the land, who are, at least, as intelligent as the Parliamentary Under Secretary, and have had the benefit of a legal training, which he has not had—I say I want to know why these Gentlemen, who are responsible to this House and the country, because they are paid for the discharge of their duties, have not been put into requisition, and called upon to discharge the duties which in former times have been discharged by the Law Officers? The appointment of a Parliamentary Under Secretary now is extraordinary. In former times the Parliamentary Under Secretaryship was a political appointment, and was only held while the Government by whom the holder was appointed retained Office. I believe in the time of Thomas Drummond the appointment was altogether political. That system is, it appears, to be again introduced. But it must not be forgotten that we have now a so-called Permanent Under Secretary in Dublin, as well as a Political Under Secretary in this House. When that Permanent Under Secretary goes back to the War Office, will the two Offices be amalgamated? That is what we want to know. But, in the meantime, we must protest against the appointment of an Orangeman without salary, and, therefore, irresponsible to this House. I will only say, further, that the appointment seems to have been made on the old principle of setting one Irishman against another, so that Englishmen may then go about the country saying—"See how these Irishmen agree in the House of Commons; what will they do at home?"

MR. DILLON (Mayo, E.): I rise to move the reduction of this Vote by £1,000, as a protest against the manner in which the Chief Secretary for Ireland declines—and says that he will decline—to discharge his duty. The right hon. Gentleman the Chief Secretary is utterly wrong in supposing that I quarrel with the amount of his salary. I did indeed, in the early part of the evening, say something about the amount proposed to be voted to him for coals; but with his salary I have no quarrel, provided his duties are satisfactorily discharged. What I quarrel with is the way in which he is discharging the duties of his Office; and, therefore, to enable the Committee to protest against this, I propose, as I have said, to move that this Vote be reduced by £1,000. I do not find fault with the fact that the Chief Secretary has called in help to assist him in discharging the very onerous duties of his position. I do not quarrel with any Irish Secretary for calling in the help of one or two officials in this House. On the contrary, I think the Irish Chief Secretary would do very well if he got a suitable Assistant in this House, and then went himself to Dublin for the next three months. And if he had a man in this House who would decently answer Questions under his directions, I would not complain if he remained at Dublin. But what I quarrel with is the character of the help that the Chief Secretary has called in. I do not, Sir, propose to quarrel with your ruling as to the limits of this discussion; but I may be permitted to point out that your ruling has only emphasized the scandalous inconvenience of the course pursued by the Government. They have sought to create a new Office at a most critical time, and they have appointed to this Office a Gentleman whose antecedents utterly disqualify him for the Office he has been appointed to fill. And they have done this in such a manner that it is difficult to see how we can raise the question of the fitness of this Gentleman to discharge the duties of his Office, though it is impossible to contend that we should not be able to raise that question in some shape or way. I do not, Sir, wish to come into collision with your ruling; but I may be allowed to point out a few particulars in which, I think, the right hon. and gallant Gentleman is singularly and peculiarly unfitted to fill the Office in which he is now placed. I wish to direct the attention of the House, in the first place, to the observations of the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith), because I think they were very unfortunate. The right hon. Gentleman said that the Government were actuated in this appointment by a desire to assist the present Chief Secretary for Ireland in the preparation and conduct of two or three important measures which are now before Parliament, and which they deem essential to the preservation of peace and order in Ireland. Now, I consider that to be a most ominous declaration on the part of the right hon. Gentleman the First Lord of the Treasury. We supposed before this that the right hon. and gallant Gentleman was a kind of assistant to the Chief Secretary for an hour in the evening; but now we are told that he is a Member of the Irish Cabinet, and is appointed to give advice as to measures of importance in connection with Ireland.

MR. A. J. BALFOUR: No; the First Lord of the Treasury did not say that. The Parliamentary Under Secretary is not a Member of any Irish Cabinet.

MR. DILLON: Of course I spoke metaphorically. When I used the expression, "Irish Cabinet," I meant the Body that controls and directs Irish Business. The right hon. Gentleman the First Lord of the Treasury distinctly stated that the chief object of calling the right hon. and gallant Gentleman (Colonel King-Harman) to the position he now occupies was, that he should assist the Government with his knowledge of Ireland and with his advice in modelling great measures to be laid before Parliament. In my ears that was a most ominous declaration, because it amounted to this, that not only were we, in the future, to look to the influence of the right hon. and gallant Gentleman the Member for the Thanet Division of Kent in the administration of the law in Ireland, but even in the shaping of Irish legislation in this House he was to be behind the scenes. Having that in my mind, there are certain things that have occurred in Ireland quite recently, which, in view of these facts, are exceedingly interesting. Within the last fortnight a practice has been revived in Ireland which has been renounced for three years, the practice of calling what are known as Rival Loyalist demonstrations in Ulster for the purpose of suppressing liberty of speech; and it is a most singular and ominous thing that the revival of that practice should have synchronized with the appointment of the right hon. and gallant Gentleman who has now a potential voice in Irish affairs —our memory has been refreshed in regard to this subject by a speech which Sir George Trevelyan has delivered this evening in London. Sir George Trevelyan reminded his hearers of the time when the right hon. and gallant Gentleman the Member for the Thanet Division of Kent denounced him and Lord Spencer for giving protection to the hon. and learned Gentleman the Member for North Longford (Mr. T. M. Healy), when he attempted to address meetings in the North of Ireland; and Sir George Trevelyan went on to say that the Coercion Bill was framed for the suppression of the National League. The House will see how that bears on the condition of Ireland at the present moment. When a meeting is summoned to protest against the Coercion Bill, the Orangemen call a counter demonstration; the Executive denounces both meetings, and the people of Ulster are not allowed to express their opinion at all upon the Bill. A man whose past career entitles us to suspect that he is at this hour in collusion with these very Orange Societies in Ulster is now a great power in the control of the Executive; and, for aught we know, the right hon. and gallant Gentleman the Parliamentary Under Secretary for Ireland may be telling the masters of the Orange Lodges in Ulster to summon these counter meetings for the purpose of preventing a legitimate expression of opinion in regard to the policy of the Government. Is this a state of things that ought to be tolerated? This is the reason why the political actions of the right hon. and gallant Gentleman the Member for the Thanet Division of Kent are brought under discussion. We are desirous of showing that we are justified in the suspicions and fears which we entertain as to what his conduct will be in the future. I think I have established some case for holding the right hon. and gallant Gentleman more or less responsible for these proceedings in the Province of Ulster. I put it to the House—to hon. Members of all shades of political opinion—Can there be a more unkind or cruel mode of proceeding than to proclaim legitimate meetings, and thus suppress the right of freedom of speech at a most critical time, simply because the Orangemen put out placards announcing rival demonstrations. This is the very thing which Lord Spencer moved armies into Ulster to prevent.

Colonel KING-HARMAN (Isle of Thanet): I may say at once that there is not the slightest word of foundation for the suggestion.

Mr. DILLON: There is not the slightest word of foundation for what suggestion?

Colonel KING-HARMAN: For the suggestion that I have encouraged the Orangemen to call counter demonstrations.

Mr. DILLON: Does the right hon. and gallant Gentleman say that there is not the slightest word of foundation for the suggestion that the policy of Lord Spencer in this respect has been departed from, and that there is an end of liberty of speech in Ulster; and does he mean to say that that has not taken place since he came into Office, and that now the Orangemen are entitled to boast, as they did not dare to boast when Lord Spencer was in Ireland, that a Nationalist meeting cannot be held in Ulster? Does he deny that he denounced Lord Spencer for the action he took in protecting Nationalist meetings in Ulster?

Colonel KING-HARMAN: Yes, I do.

The CHAIRMAN: The hon. Member is now travelling beyond the lines of the subject before the Committee.

Mr. DILLON: Well, Mr. Courtney, I submit to your ruling; but I think the Government will show very scant consideration to the feelings of the people of Ireland if they refuse to give us some opportunity of discussing fully and fairly this appointment. It is at least unusual to make an appointment of this kind, surrounded as it is with circumstances of suspicion, at such a time; and to do it in such a way that by the technical ruling of the Chair we are robbed of our right of discussing it fully and fairly is, to say the least of it, striking below the belt. Of course, I will not pursue that branch of the subject further. I think I am entitled, however, before I sit down to answer three questions that were put directly to me or to the hon. Members who sit on these Benches by the right hon. Gentleman the Chief Secretary for Ireland. I shall confine myself as closely as I can to the direct answers to the questions put and challenges given. I shall not enter into the details connected with those questions. The right hon. Gentleman the Chief Secretary asked me if I denied that Griffith's valuation of the property of the right hon. and gallant Gentleman the Member for the Isle of Thanet was made when prices were much lower. I do deny it. He asked me if I denied that Griffith's valuation being made for purposes of taxation was made below the actual value? I do deny it. And, further, he asked me whether, in view of the statement of fact made by the right hon. and gallant Gentleman the Member for the Isle of Thanet, that Gentleman could be described as a landlord who acted harshly and unjustly to his tenants? I say yes; and I say that the proofs and records of the Commission show that in many parts of Ireland the rent as fixed by Griffith's valuation is at the present time double what it would be if a fair rent were fixed. I say, moreover, that a man who continues to charge double rents as long as he is allowed is unfitted to be made responsible for the government of Ireland; and while I do not contend that the Chief Secretary can be justly described as the worst landlord in Ireland, I do distinctly believe that he has acted harshly and unjustly to his tenants, and that he would to-day but for the intervention of the Courts of Law, be charging many of them double the value of their land.

Motion made, and Question proposed, "That a sum, not exceeding £3,829,300, be granted for the said Services."—(*Mr. Dillon.*)

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I do not rise to continue this discussion in any controversial spirit, but merely to reassure hon. Members upon one or two points. It seems to appear to them that my right hon. and gallant Friend the Member for the Isle of Thanet occupies a different position from other Under Secretaries, that he has a greater share in the administration of the Irish Department than they have in the administration of their respective Departments. I can assure the hon. Member that that view of the position of my right hon. and gallant Friend is not correct. The other question was with regard to the meetings in Ulster. That is a question which deserves the attention of the Government, and I can promise that it shall have my careful consideration.

MR. CHANCE (Kilkenny, S.): A discussion of this kind places us in a very inconvenient position. The Government have the great advantage of being able to tell the whole of their case; but when we attempt to answer the questions which they have raised, we are, unfortunately, by the Rules of Debate, more or less out of Order. I always listen with pleasure to any remark that may fall from the right hon. Gentleman the Chief Secretary for Ireland. He usually leaves a record behind him, and gives us material for further observations. He has done so in the present instance. He has told us that we complain of his salary. I am perfectly unaware of any observations of ours to that effect. He says that his duties are onerous and difficult. We admit that. But we must also say that, while we do not think his salary too large for any Gentleman who adequately discharges the duties imposed upon him, we think it is too large when those duties are inefficiently performed. In the course of his observations, the right hon. Gentleman referred to our complaint that he is so often absent from his place in the House, and said that, inasmuch as we, at the same time, complained of his continued absence from Dublin, we were taking up an inconsistent position. Well, what are the facts? He is not in Ireland, and he is not in the House, except when he comes down to flout and gibe at these Benches on the Coercion Bill, or to assist the right hon. Gentleman the First Lord of the Treasury in the pleasant occupation of shutting our mouths with the closure. We would not object to him being in Ireland; but at present he seems to be in some place of which we know nothing. The right hon. Gentleman the Chief Secretary said that, so far, the Under Secretary has received no reward. That implies that he will eventually receive some reward. [Mr. A. J. BALFOUR: Hear, hear!] I only hope that whatever that remuneration is it will be given rapidly, in order that we may have an opportunity of raising fairly and squarely the whole subject. The right hon. Gentleman the Chief Secretary made one observation which was very alarming in its character. He said that the Questions on the Paper for this evening had reference solely to small local matters. But he omitted all reference to one of those Questions until twice, in a rather marked manner, I drew attention to it. It was Question No. 11, in which an hon. Member asked him whether certain landlords within the Monaghan Union had notified to the Guardians their intention of evicting 65 families forthwith? I only draw attention to this because we were informed by the right hon. Gentleman the First Lord of the Treasury that the replies of the Under Secretary were given on behalf of the Government, and immediately afterwards the Chief Secretary told us that his right hon. and gallant Friend was not a responsible Member of the Irish Administration. The Chief Secretary must recollect that we have no representative whatever in Ireland, and that we have no means whatever of getting at the ears of any person there who knows about these matters. A very long experience on these Benches has shown hon. Members that applying to Permanent Officials is absolutely fruitless. We have been told that the right hon. and gallant Gentleman the Member for the Isle of Thanet has discharged his duties in a satisfactory manner. I presume the right hon. Gentleman the Chief Secretary was not in the House some days ago when the Question of the evictions on Lord Granard's estate was asked. I should like to know if the manner in which that Question was answered is considered by the Chief Secretary to be consistent with a satisfactory discharge of duty? The Committee will recollect that upon that occasion the right hon. and gallant Member stated that the Ecclesiastical Authorities were responsible for those evictions; and he went on to answer a further Question in a manner which made a distinct impression upon the mind of the House that those Ecclesiastical Authorities were so responsible. I denied that statement, and I was supported in my denial by the noble Lord himself. I shall be surprised to hear that a statement of that kind meets with the admiration of the Chief Secretary. What I want to point out is this—we have had some considerable experience of Government officials, and in this House we have seen Members of the Government defend in unmeasured language Permanent Officials who afterwards turned out to be criminals of a disgusting character. We warn the right hon. Gentleman that if he makes himself the champion of all the officials of Dublin Castle they will drag him down with them. If he believes everything they say they will go from excess to excess; but if he would make some effort to get information for himself, and not depend entirely upon the officials, good results might be hoped for.

Dr. KENNY (Cork, S.): The remarks of my hon. Friend the Member for East Mayo (Mr. Dillon) were amply justified, if only by the one item extracted from the right hon. Gentleman the Chief Secretary. I refer to the underhand suppression of Nationalist meetings in Ulster, a practice which has been revived in so suspicious a manner by the right hon. and gallant Gentleman the Member for the Isle of Thanet (Colonel King-Harman). The right hon. Gentleman the Chief Secretary said that the subject was under the consideration of the Government, and I hope that when the next Orange meeting is called for the purpose of enabling some local magistrate to go and swear an information that two meetings near each other are to be held and are likely to lead to a breach of the peace, the second meeting will be suppressed, and those who attempted to hold the first meeting will not be interfered with. Irish Members are compelled to put Questions on matters of trifling importance to the Chief Secretary, because there is no permanent official in Ireland amenable to public opinion. In England such officials know that any malfeasance in office will be visited severely by public opinion, and this knowledge is a powerful factor in restraining them from committing any excesses. That is not the case in Ireland. There an official does not look upon himself as a servant of the public, but as the master of the public. That is one reason why we put Questions in this House, on what appear to the philosophical mind of the right hon. Gentleman the Chief Secretary to be small and trivial subjects. No doubt it may be annoying to him to have to come down to this House and answer Questions on such matters; but he is paid for it, and I think he ought not to employ a journeyman to do the work for him. Certainly, if he does employ a journeyman he ought to employ one who knows his trade. The appointment of the Under Secretary is an admirable example of the manner in which the Government of Ireland is conducted. If the Government had not been infected with the usual ineptitude which followed the footsteps of those who attempt to govern Ireland against her will, they would have seen that the right hon. and gallant Gentleman the Member for the Isle of Thanet was the last man in the world who should have been chosen for a post of this kind. There is not a man who is looked upon with greater suspicion than one with such a record. I remember the career of the right hon. and gallant Gentleman, and I remember taking a very humble part in some of the contests in which he has been engaged. I think that one of the first subscriptions I ever gave was to a fund for his election expenses when he was a

Home Rule candidate. I would just refer to the fact that the right hon. and gallant Gentleman has repudiated with great heat, and possibly with a great deal of justification, the imputation of my hon. Friend the Member for Mid Tyrone (Mr. M. J. Kenny) about the money he received for his estates. I would point out that my hon. Friend only repeated an assertion which has been publicly made in Ireland, and which the right hon. and gallant Gentleman did not contradict.

The CHAIRMAN: The hon. Member is well aware that I stopped the hon. Member for Mid Tyrone from entering into that subject.

Dr. KENNY: Then, Sir, I will not enter into that. I must, however, protest against the manner in which the right hon. Gentleman the Chief Secretary to the Lord Lieutenant (Mr. A. J. Balfour) has treated the Irish Members. The right hon. Gentleman has treated us with the most supercilious indifference. He is not entitled to adopt towards us the attitude and the manner which he is very much in the habit of adopting here. If he did not do so he would not require so often to seek protection under the wing of the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith), who is always ready to come forward in his best Mrs. Gamp manner on behalf of his Friends in this House. The right hon. Gentleman the Chief Secretary for Ireland would, also, have much more time to give to those studies in which he appears to be so much wrapped up, if he would take more trouble to inform himself on the points to which inquiries are directed in this House, and would take some steps to curb the pride of officials in Ireland.

Sir JOSEPH PEASE (Durham, Barnard Castle): I rise for the purpose of appealing to the Committee that this long and painful discussion should be brought to a close. I would make a special appeal to hon. Members below the Gangway on this—the Opposition—side of the House. I have had a long acquaintance—I may say friendship—with the right hon. Gentleman the Parliamentary Secretary to the Lord Lieutenant (Colonel King-Harman), and I am sorry that he has been placed in the position of having his conduct called in question. I looked upon his appointment from the first moment I heard of it as the appointment of an honourable man. I am utterly unable to sympathize with the proposal for the reduction of the salary of the Chief Secretary for Ireland (Mr. A. J. Balfour). For many years I have held the opinion that the Chief Secretary to the Lord Lieutenant has far more duties placed upon his shoulders than any mortal man can discharge as long as Ireland is governed through Dublin Castle in the manner in which it has been governed since I came into Parliament. The Chief Secretary for Ireland is practically the head of all the Irish Departments in this House, and up to a short time ago he was practically without assistance. He has had to look after all the Departments which in England and Scotland are divided among half a dozen officers; and I have always thought that the step which has lately been taken of appointing an Under Secretary ought to to have been taken long ago. The proposal to-night is to reduce the salary of the Chief Secretary to the Lord Lieutenant, because he has an unpaid assistant. I am not going to say that in my humble opinion the appointment of the present Chief Secretary to the Lord Lieutenant, or of the assistant Chief Secretary, was the very best appointments that Her Majesty's Administration could have made; but, I think, if we are dissatisfied we ought rather to attack the men than the money. If the Chief Secretary is the wrong man, we ought to have a Resolution directed, not against the salary, but against the right hon. Gentleman himself. The salary is not too large. My belief is that the total amount ought to be increased for the purpose of paying an assistant. Holding these views, although I do think that now and then the right hon. Gentleman the Chief Secretary does answer Questions and join in debate in a manner which somewhat irritates Gentlemen on this side of the House, both above and below the Gangway, I cannot vote to-night for the diminution of the salary which I think he is trying to earn to the best of his ability by the tenure of an Office which I certainly do not envy him for a moment.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I am sorry to continue the discussion at this hour of the night, but I wish to make only one or two observations. In the first place, I wish to point out to my hon. Friend who has just spoken that our contention is not that the salary of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant is too large for the work he has to do, but that—and I do not wish to be guilty of any discourtesy in saying this—he has not performed the duties of his Office, having in this differed from all his Predecessors. I must say that I think the Ministers of all Departments in this country, and especially those having seats in the House of Commons, are entirely too hard worked. That is one of the matters that will have to be reformed by-and-bye in the administration of this country. At the same time, I think that Ministers generally set a good example to the rest of the country by the manner in which they stick to their work by night and by day, and sacrifice their convenience, and frequently their health, in the performance of their official duties. Our complaint against the right hon. Gentleman the Chief Secretary for Ireland is, that he does not follow their good example. I would point out that the right hon. Gentleman the First Lord of the Treasury attends to his duties with great assiduity, and that he is not as young a man as the Chief Secretary for Ireland. I say it in no invidious sense. But the Chief Secretary for Ireland is the only single Member on that Bench in a Ministerial position who is not here at Question time to answer Questions, and who does not take the interest in his Office, and devote that labour to it which would accord with the best traditions of this country. That is what my objection to this Vote is based upon. I dare say that the question of salary will by-and-bye come to be one of interest to Gentlemen on these Benches. We shall then be quite ready to pay more money, because, at least, five persons will carry out the duties now assigned to the Chief Secretary for Ireland. As to the question of the proclaimed meetings in Ulster, whilst I acknowledge to the full the courtesy and readiness with which the right hon. Gentleman the Chief Secretary for Ireland undertook to look into that question, I must express my disappointment that he is only going to look into it now.

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): I said I was looking into it.

Mr. T. P. O'CONNOR: Well, I am very glad to hear it. I would just point out that more than one of these meetings has been prohibited. That is a step which ought not to be taken, except on the advice of the highest Executive Officer, and it throws a great light on the way affairs are managed in Ireland when we hear that such a step could be taken without the knowledge and consent of the Chief Secretary for Ireland. However, the right hon. Gentleman has promised to look into the matter. As to the appointment of the Parliamentary Secretary for Ireland (Colonel King-Harman), the Committee must see the inconvenient position in which we are placed. I regret that it has been felt necessary to make anything in the nature of a personal attack upon the right hon. and gallant Gentleman the Parliamentary Under Secretary to the Lord Lieutenant. I am sure that this is not done with any willingness. But when a man is appointed to any Office he must be prepared to have his life and actions subjected to the strictest scrutiny. I understood the right hon. Gentleman the Chief Secretary to the Lord Lieutenant to say that he thought an opportunity ought to be given for a discussion respecting the creation of the Office of Under Secretary for Ireland. I should like to know what opportunity will be given. I am sure that if the right hon. Gentleman can give us some assurance on that point he would put an end to this debate for the evening. I think the right hon. Gentleman will himself recognize that we are placed in an entirely unconstitutional position when we have a man appointed to high Office, and, because no salary is attached to that Office, are deprived of all opportunity of criticizing the appointment.

Mr. A. J. BALFOUR: The intention has always been to bring in a Bill which will give the hon. Member the opportunity he asks for. [*Cries of* "When?"] This Session.

Mr. W. REDMOND (Fermanagh, N.): I must say it is a matter for regret that this discussion was not allowed, under the circumstances, to be taken earlier in the evening, because it is a subject upon which, I believe, every member of the Party to which I have the honour to belong might legitimately contribute a speech. If there had been no other reason for taking part in a discussion on the Chief Secretary's salary, I consider that ample reason was given by the speech which the right hon. Gentleman (Mr. A. J. Balfour) made in reply to the speech of my hon. Friend the Member for East Mayo (Mr. Dillon). I look upon the conduct generally of the right hon. Gentleman the Chief Secretary for Ireland as being absolutely insulting to the Irish Members. It seems to me to be nothing less than an insult, when a Representative of Ireland, according to his rights, puts a Question to the Chief Secretary for Ireland in this House for the right hon. Gentleman not to condescend to reply, but to pitch the Question down the Treasury Bench to the Under Secretary. That is a course of conduct which has never been adopted in this House before, and it is a course of conduct which will not make matters more easy in Ireland for the right hon. Gentleman or his Government, because it cannot be taken otherwise than as insulting to the Irish Representatives. The right hon. Gentleman sneers at the Questions we put on the Paper. He seems not to be aware that in so sneering he is bringing forward one of the best arguments for Home Rule. The right hon. Gentleman a short time ago read out some of the Questions which appeared on the Paper to-day, and sneered in a lofty manner at their insignificance. What we contend is that you, by your system of Government, compel us to bring such matters before this House. As long as we have no Court of Appeal, but this House, it is an absolute and wanton insult for the right hon. Gentleman the Chief Secretary to sneer at our questions, and to say that they are insignificant. He knows that they are of the highest and first importance to the people of our constituencies who delegate us to ask them. I do not wish to pursue this matter further, except to say that if the right hon. Gentleman the Chief Secretary for Ireland and his Government wished to get any assistance in connection with Irish matters, they might at least, if they were wise, without going into the character of the right hon. and gallant Gentleman the Member for the Isle of Thanet (Colonel King-Harman) at all, have appointed a Gentleman who, at least, would receive the support and confidence of the Irish people. I challenge the right hon. and gallant Gentleman, if he wishes to test the feeling of the Irish people, to call a meeting in any part of Ireland, and ask whether it will give him its confidence. The right hon. and gallant Gentleman is an outcast from the National Party, and is not a very popular member of the Party to which he now belongs, so that he is looked upon with a certain amount of distrust by all parties in the country. The appointment is an unfortunate one for the Government. This debate, short as it has been, will do some good, for it will open the eyes of the public to what we complain of in the Government of Ireland. The right hon. Gentleman the Chief Secretary to the Lord Lieutenant (Mr. A. J. Balfour), whose position has been described as of such great importance, admits that he has never been a single week in our country. If anybody asked me for a definition of tyranny, I should say—"Select a man who has never been in a country for a single week, and allow him to govern it as he pleases, against the direct wishes of the people." That is what has been done here, and that is why we say that the Government of Ireland is a tyranny of the blackest kind.

MR. ILLINGWORTH (Bradford, W.): I wish to ask a Question of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland. I understood him to say that the suppression of public meetings, owing to the organization of rival meetings, will have his immediate attention. I wish to ask whether it is the case that the two meetings already suppressed were suppressed without his knowledge, and without the sanction of his Government, and that the Government have reversed the policy of their Predecessors, and are defending the right of free speech and public meeting.

MR. A. J. BALFOUR: The policy to be pursued at the meetings rests with the authorities on the spot, but the general policy rests with the Government.

DR. TANNER (Cork, Co., Mid): We are called upon to pass a certain Vote, and, for my part, I do not see why the right hon. Gentleman the Chief Secretary for Ireland should not be paid like any other servant. But what we are called upon to do is to give the right hon. Gentleman a character. That, Sir, I decline to do. Distinctly I decline to do it. The right hon. Gentleman has deliberately insulted Members on these Benches to-night. I simply say this. I got up to say it. I should dismiss the servant with his salary, giving him the worst character I possibly could.

Question put.

The Committee *divided*:—Ayes 85; Noes 187: Majority 102.—(Div. List, No. 143.)

Original Question again proposed.

MR. DILLON: I wish to put a question or two, and call the attention of the Committee to the extraordinary action of some officials of the Court of Bankruptcy in Ireland. The official to whose conduct I desire particularly to call the attention of the Committee is the Official Assignee; and a proceeding has been, and is, carried on in the Court almost, I believe, unparalleled. A reverend gentleman has been arrested, and has been imprisoned for two months for refusing to answer questions in a suit pending in the Court of Bankruptcy. At the time he was arrested, the petitioning creditor in Court desired to drop the proceedings and have done with them, and the bankrupt himself had disappeared from the country; so that both parties to the suit are desirous of an end being put to it, in which case, of course, the prisoner would be released from an imprisonment most injurious to the country, and attended with great inconvenience to the parish where he pursued his ministration and to himself. The parties concerned are willing and anxious to have done with the matter; but the Assignee persists in carrying it on. I confess my legal knowledge of the point is limited; but I suppose the Official Assignee exercises a discretion he possesses; but I do say it seems a most extraordinary provision. It seems flying in the face of all common sense that there should be this deadlock and expense and general inconvenience, and that it should be maintained in spite of the wishes of the parties directly concerned. I propose to move a reduction by a sum—I do not know exactly what the salary of the Official Assignee is—but I will move a reduction by the sum of £600, to enable us to mark our opinion with regard to these transactions.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I rise to Order, Mr. Courtney. I believe the Official Assignee is not paid out of the Votes at all, but by fees from the Court.

MR. DILLON: The right hon. Gentleman expresses a belief. Perhaps we can be informed if this is so or not?

MR. A. J. BALFOUR: He is not paid from the Votes; he is paid by fees from the Court.

MR. MAURICE HEALY: Is the official wholly paid in this way, or only partly?

MR. A. J. BALFOUR: Wholly. I believe his salary has nothing to do with the Vote.

MR. MAURICE HEALY: In that case, I would ask the Attorney General for Ireland whether the rules relating to the regulation of the Court and the Official Assignee have yet been published? He will remember my putting a number of Questions on the point. Have the new rules been published yet?

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The rules to which I referred, and as to which I did not promise, for I had no power to do so, have not yet been promulgated. The officials, at the invitation of the Lord Chancellor, have already drawn up certain rules.

MR. MAURICE HEALY: When is it probable they will be published? It is now several months since the question was raised.

MR. HOLMES: Not several months, I think. It was during the course of the present Session. I shall be glad to obtain the information.

MR. T. C. HARRINGTON (Dublin, Harbour): I think the doctrine of the Chief Secretary for Ireland has taken us by surprise. We are entitled to the opinion of the Law Officer as to whether the Official Assignee is paid as the right hon. Gentleman suggests. I am of opinion that the salary is settled by Act of Parliament; and, if I recollect aright, only a portion comes out of the Court dues. I think we are entitled to the opinion of the Attorney General for Ireland as to whether the Official Assignee is a paid official of the Crown in Ireland.

MR. HOLMES: The way in which the Official Assignee is paid is by a percentage of the money collected by the

Court, not by Court fees. I think the hon. Member will find there is no money on the Votes for the purpose.

Mr. T. C. HARRINGTON: We quite recently had a discussion under the Estimates where an Official Assignee had his salary supplemented by a Vote of the House in addition to his fees.

Mr. DILLON: I am not quite clear whether we can raise the discussion under some item of the Estimates. The statement of the Attorney General for Ireland makes it extremely desirable there should be that discussion, for that statement throws a flood of light on the motives actuating the Official Assignee in insisting on prolonging proceedings neither Party has any desire to prolong. Of course, if his fees depend on the proceedings going on, it is perfectly possible the official may be acting from grossly unworthy motives, and to this I am anxious to invite the attention of the Committee, for it is nothing short of a public scandal.

Mr. HOLMES: I apprehend that the great object in this system of payment is that the Court may collect as much money as possible. The reason is to encourage the Assignee to realize as much assets as possible.

Mr. T. C. HARRINGTON: Of course, Sir, we understand that, and of the ordinary administration of the Bankruptcy Court we do not complain. But this is a case in which proceedings having been commenced in the Bankruptcy Court, the petitioner himself wishes to retire from the case, and, refusing that permission, the Official Assignee persists in keeping the case in Court, in spite of the debtor and creditor concerned. If these proceedings are going to be sanctioned, I hope it will not be without the conduct of this official being made the subject of an expression of opinion here. It is a state of things calculated to excite the gravest discontent at the system of administering this branch of justice. I deny that in ordinary cases such a proceeding would have been resorted to, and it is only applied in this instance because something of a political character has been imported into the case. The official, influenced by his views in relation to the Plan of Campaign, takes a course he would not take in an ordinary case. So we have this anomalous state of things, that the case is at an end, so far as the parties are concerned, for the man who commenced the suit refuses to go on with it, and one of the witnesses is in gaol, detained there for not answering questions in reference to a bankruptcy not really before the Court at all. We do not see even how it is in the power of the Judge to release him. It would seem that the prisoner is to remain there for ever; for I believe it was a decision of one of the Lords Justices that such an imprisonment could not come to an end until the prisoner answers the questions. We complain that all this state of things has been precipitated by the misconduct of the Official Assignee, and we want some assurance that the question shall be closely looked into and a remedy applied.

Mr. CHANCE (Kilkenny, S.): One of these Official Assignees—a gentleman recently appointed—is a Tory of a very strong type——

The CHAIRMAN: Order, order! The discussion is becoming irregular. It appears that the hon. Gentleman is about to impugn the conduct of an official whose salary is not provided for in the Estimates; and, therefore, it would be irregular to discuss it.

Mr. CHANCE: There is a sum of £50 having reference to the accounts of Official Assignees under sub-head B of Vote 23. I do not know whether that would make the discussion regular?

The CHAIRMAN: I do not think it would.

Mr. P. McDONALD (Sligo, N.): I can point out a means by which we can legitimately discuss this question. I quite admit with the Attorney General for Ireland that the Official Assignee is paid by percentage; but there is another duty arising out of his administration, and that is the proper checking of the accounts of the Official Assignee. The checking of these accounts is expected to be made by officials of the Court of Bankruptcy who are paid out of the Estimates, therefore, on account of this, I claim the right to discuss the manner in which this checking has been done. In 1859 we had an Official Assignee, Mr. Hall, who left that position owing to the Court of Bankruptcy £5,804. That seemed a grave deficiency on his part at the time and it would have been expected——

The CHAIRMAN: Order, order! I thought the hon. Gentleman was going to point out a way in which the conduct of the Official Assignee in respect to an imprisonment for contempt of Court could be called in question. I do not see the connection of the matter he appears to be entering upon with that matter.

Mr. P. McDONALD: I may, perhaps, go more briefly to the point. This deficiency arose from the fact——

The CHAIRMAN: I wish the hon. Member to explain exactly how he connects his observations with any Vote before the Committee?

Mr. P. McDONALD: The Vote includes a portion of the salaries of officials of the Court of Bankruptcy, whose duty it is to check the accounts of the Official Assignee, to see that the Official Assignees have duly reported the payments made, and the manner in which they have appropriated them. I maintain it is from the want of this checking, a duty for which the public pay, that reports were not made to the Court of Bankruptcy, and, in consequence of this neglect, deficiencies have arisen. I have mentioned that so late as 1859 one of the Official Assignees——

Mr. HOLMES: I am sorry to interrupt the hon. Member; but I cannot understand what officials he is referring to. So far as I am aware there is no payment for the auditing of these accounts coming within these Estimates.

Mr. DILLON: The point we wish to bring under consideration is one that impugns the action of the Court, what we consider a very serious maladministration of the law in the Irish Bankruptcy Court. Surely it will not be contended when the entire machinery of that Court is in the Estimates we are debarred from raising this? I am not lawyer enough to say what official is responsible for this maladministration; but I do not suppose it is intended we should be shut out from debating a serious failure of justice when the whole of the expenses of the Court appears on the face of these Estimates?

The CHAIRMAN: I am not quite sure to which maladministration the hon. Member refers. Is it to the case of imprisonment for contempt?

Mr. DILLON: No.

The CHAIRMAN: Then when did this other maladministration happen?

Mr. DILLON: It is that of which I complained at first, and out of it arose the imprisonment for contempt, that in the Court of Bankruptcy, proceedings having been instituted by a creditor for recovery of debt, the petitioner, subsequently, through his solicitor, desired to withdraw from the proceedings; but the Court and, as I believe, by the influence of improper motives, would not allow proceedings to stop, and they go on *ad infinitum* so far as we know.

The CHAIRMAN: This maladministration, assuming it to be such, is totally distinct from that raised by the hon. Member for North Sligo (Mr. P. McDonald).

Mr. DILLON: Quite.

The CHAIRMAN: It is the matter involving the imprisonment for contempt of Court, and it cannot be discussed under the Vote as it appears to be due to the action of the Official Assignee, who is not provided for by the Vote, and there are no grounds for calling attention to it.

Mr. T. C. HARRINGTON: We are not pointing to this conduct of the Official Assignee. I will show in a moment how important it is to draw attention to this matter. We are pointing to a case tested in the Court of Bankruptcy, and the petitioning creditor in this case wishes to withdraw—he has abandoned his position. But the case goes on. He has no money to meet the expenses incurred in Court by the proceedings going on, and the House will have to vote the money, as I suppose we are voting money for similar cases. We have to vote money for maintaining litigation that both parties wish to drop.

The CHAIRMAN: It is quite impossible to discuss the matter on this Vote.

Mr. MAURICE HEALY: On the point of Order, Sir, as regards the Official Assignee. Having regard to the fact that the Official Assignee is not paid directly by this House, whether he is not responsible to the Judge, whose salary is directly concerned in the Vote, will it not be possible to discuss the conduct of the Assignee?

The CHAIRMAN: I understand that the Judge himself is powerless in the matter.

Mr. DILLON: No, Sir. On the previous occasion you ruled that we could not discuss the conduct of the Judge when I was under the impression we could do so, not appreciating the distinction between the Vote of the Committee and the charge on the Consolidated Fund. I submitted at once to the ruling; but the charges for the Courts are voted in the Estimates, and I believe that we might discuss the conduct of the official of the Court of Bankruptcy.

MR. P. McDONALD: If I might be allowed to call attention to the case of Mr. James, I think it would directly and immediately show that there has been a want of the performance of duty on the part of an officer of the Court in not checking the accounts of Mr. James, and that the Official Assignee became a defaulter under circumstances we might discuss.

THE CHAIRMAN: The case introduced by the hon. Member for North Sligo is totally alien from the other point under the notice of the Committee, and has no reference to it. Imperfectly informed, as I am, I am not able to say whether it could or could not be discussed. The substantial point raised was in reference to the committal for contempt, the action of the Official Assignee, and that apparently does not come within the cognizance of the Committee, as the salary of that official does not come in the Vote.

MR. CHANCE: In reference to the committal for contempt, there is an item for the expenses of the Court messengers who went down to arrest the rev. gentleman, in the sum we are voting, together with the expenses of conducting Father Keller to gaol. Will it not be open to the Committee to discuss the circumstances under which such expenses were incurred?

THE CHAIRMAN: No; I think that connection is much too remote.

MR. DILLON: I submit to your ruling, Sir, in reference to the committal and detention of Father Keller; but I do trust the Government will give us some concession in the matter I will now bring forward. I recently visited my friend in prison, where he has been for two months. There is not a man in Ireland, I do not care what his politics may be, who has not the greatest respect for this gentleman, and does not believe that he went to prison from high and honourable motives. I found that he was being treated in a way that is perfectly disgraceful and a public scandal. I found that he is locked up in a small room for 22 hours out of the 24, and obtains two hours exercise in the prison court. I may speak upon this, for the Vote includes £20,000 for Irish Prisons. The prisoner shares with another a very small room, and when taking exercise by marching round a yard, is not allowed to speak under pain of being reported for punishment. I could hardly believe that a man in his position could be so treated as if he were a criminal. He is not in prison for any crime, he is not a prisoner in the ordinary sense; he is simply detained on technical grounds, not having answered questions put to him. It is a monstrous scandal that this gentleman should be treated like a felon; and if the ordinary rules do not meet the case, then a special rule should be applied, and he should be allowed reasonable exercise, and to receive visits in the evening; in fact, he should be treated without that gross brutality to which he has been subjected. The Government will facilitate the passing of the Vote if they will get up and say frankly that this gentleman shall be treated with humanity and every consideration consistent with his detention. I may say that the Rev. Father Keller never wrote to me, or made any complaint of his treatment; and I was perfectly horrified to find the treatment to which he had been subjected, and I asked him why he did not write to me, that I might bring the subject to the attention of the House. I feel considerable confidence that if I had an opportunity of bringing the matter under the attention of the Government, they would no longer tolerate such a condition of affairs.

MR. A. J. BALFOUR: I am afraid I can give no pledge to the hon. Gentleman, beyond the one I have already given. When this question was brought before the House on a former occasion, I promised that I would inquire into the whole question of prison accommodation and rules. That pledge I now repeat, but I cannot go beyond it.

MR. T. C. HARRINGTON: If the right hon. Gentleman has given that pledge, has he taken any steps whatever to carry it out? It is all very well for the right hon. Gentleman to take his time in making these inquiries; but let him remember that all this time there is confined in prison one who stands infinitely higher in the hearts and estimation of the Irish people than the right hon. Gentleman is ever likely to stand,

and that that man is having all kinds of indignities heaped upon him. I say that the statement of the right hon. Gentleman is calculated to inflame the minds of Irishmen against your system. After his attention has been called to the treatment extended to one who stands foremost amongst the Irish Priesthood, who has been specially honoured by his Bishop since his imprisonment commenced, and who will, undoubtedly, one day be himself a Bishop of the Diocese of Cloyne, the Chief Secretary, although he promises to inquire into the matter, allows several weeks to pass without commencing his investigation; he does not take the trouble to inform himself how the rev. gentleman is being treated. Perhaps he will relegate the duty to his right hon. and gallant Colleague, to whom he has already entrusted the task of answering Questions, and then we shall see the Champion Orangeman of Ireland going down to the gaol to inquire into the treatment of Canon Keller. Now, Sir, it is a very singular fact that while the Prisons Act of 1877 compels the Prisons Board to make provision for the treatment of prisoners detained as first-class misdemeanants, no rules whatever have yet been drafted by the Prisons Board in Ireland under the provisions of that Act. Of course, it does not matter how they treat their ordinary prisoners. If it is only an ordinary prisoner—say, for instance, an Irish Member of Parliament—the Board can pursue that line of conduct with impunity, and this House will approve and applaud the conduct of the Governors in heaping indignities upon him. But, Sir, I would point out that Canon Keller is not imprisoned for contempt of Court; he is merely imprisoned under a statutory provision in the Irish Bankruptcy Act enabling the Judge to detain any witness who refuses to answer a question put to him. It is a mere statutory power of detention; it is not imprisonment for contempt; yet a gentleman detained under such a provision is, for 22 out of every 24 hours, locked in a miserable little cell, and shut out from air and exercise, while during the two hours he is allowed exercise he has to march round a ring, like a horse in the hands of a trainer, a warder being put in the centre of the circle to keep order among the persons allowed this exercise. Do you think that such a system of imprisonment, that such a method of treating rev. gentlemen in that position, of treating ministers in whom the people have so much confidence, is calculated to endear your system of administration to the Irish people, or to make men loyal? No doubt when the rev. gentleman comes out of gaol he will speak very strongly on your system of administration. What on earth is the reason for treating in this manner two clergymen who have committed no offence, who cannot by any possibility defeat the ends of justice, and who cannot defeat the process of law in any way? Why should these two clergymen, while taking exercise in the same yard, be prevented speaking to one another? I cannot see how the Prisons Board can possibly justify their action. In no country in the world, except Ireland, would such a system be tolerated. You would not dare treat a clergyman imprisoned for similar causes in England in this way. No; it is only the Irish people that you dare insult in that way. Now, Sir, quite recently we had occasion to bring the case of Canon Keller before the Courts in Ireland by an application for Habeas Corpus to go to the Superior Courts. To do that it was necessary for us to communicate with him. We found that the Prisons Board—who were supposed to have special rules for the treatment of prisoners such as these—would not allow Father Keller facilities for seeing his counsel. Such an extraordinary state of things could not occur in any other civilized country. If you have a man in gaol awaiting his trial for a crime, however serious it may be, you allow his solicitor, or counsel, to have free access to him for consultation with reference to his case. But here you have a clergyman detained, not for any crime—not even for contempt of Court—and what do the Prisons Board say to his application for permission to see his counsel? They say, if you were awaiting your trial for a crime, however heinous, you should have every freedom to see your solicitor or counsel, but because you are not a criminal, because you have committed no offence, we cannot deal with your case, and we must deny you the right to see your counsel in private. If he comes to see you there must be a warder present, to listen to your conversation, and to check it, if, to his untutored mind, it appeared to be his duty to interfere. I say that such a system is calculated to bring discredit and disgrace upon your system, and to perpetuate the hate which already exists in the minds of the people against that system. But, in addition to his treatment in prison, I feel bound to call attention to the manner in which the rev. gentleman was arrested and dragged to gaol, which affords another example of your vicious system of government. The officers of the Bankruptcy Court, when they ordered his arrest, knew very well that Canon Keller had no knowledge whatever of the affairs of the bankrupt in reference to which he was called.

THE CHAIRMAN: Order, order! The question is the treatment of Father Keller in prison. The hon. Member is going beyond that.

MR. T. C. HARRINGTON: I did not intend to do anything of the kind, Sir. I was referring to the circumstances of the Rev. Canon's arrest, because I happened to be a witness of it, and I took it to be a portion of his gaol treatment. But I need not pursue the subject further. I can only say that I am surprised at the manner in which the Government have treated our remarks on this subject. I do not know anything calculated to reflect more discredit upon them than that at a time when they are endeavouring to make special provision for the repression of crime in Ireland, they should offer an open and deliberate insult to the people of that country by detaining this rev. gentleman as a prisoner, and by preventing him free access to his counsel, simply because he is not in gaol on a criminal charge or for contempt of Court. I hope that the Chief Secretary for Ireland has not said his last word on this subject; it would, indeed be a serious thing if he allowed it to go forth to the country that he was unable to interfere in this matter. The Prisons Board is in no way responsible to the people of Ireland; they may be said to be the creatures of the Chief Secretary for Ireland. Fully a month has elapsed since he promised to inquire into the statement as to the treatment in prison of these rev. gentlemen; he has not yet done so; are we to understand that he is unable to devote his very great mind to inquiring into this very small matter of detail? Are Father Keller and Father Ryan, under these circumstances, to be left in gaol until their healths are broken, and to be sent back to their people in a state which will invoke curses upon your system of prison treatment?

DR. KENNY (Cork, S.): I venture to join in the appeal of my hon. and learned Friend. Let them consider the principle underlying this imprisonment. I maintain it is not intended to be punitive. Here are Father Keller and Father Ryan—men accustomed to lead healthy lives—locked in a cell 22 out of 24 hours. Is not that punitive? Is it not calculated to break down their healths? My experience in life tells me such treatment constitutes a very great punishment, and one which invariably produces serious constitutional effects, wherever it is prolonged to any extent. The Prisons Board is, I am informed, composed of three men, the Chairman being the Hon. Mr. Burke, whose removal is recommended by the Prisons Commissioners, because they found him to be so entirely out of sympathy with the times. This Board met in Dublin, and it was recommended that the rules governing Father Keller's imprisonment should be considerably relaxed, and that he should be allowed two or three additional hours' exercise daily; but the recommendations were never put into effect. The House would like to know why that is the case. No doubt the very rigorous imprisonment will be most detrimental to a man like Father Keller. He desired to see me, and I went to the prison, but I was turned away. The Prison Governor refused to allow me to see him. I do not complain of the action of the Governor, he was most courteous; but I do quarrel with the prison rules. I do think no rule should compel Father Keller to see the prison doctor when he prefers his own. This is an example of how the prison rules are interpreted. The Prisons Board, like other Irish Boards, is an autocratic body; it is not responsible to the people. I appeal to the Chief Secretary for Ireland to use his influence with the Prisons Board. If the Government had a sparkle of intelligence they would not hesitate to relax these rules and make them as lenient as possible, and not make a man, who is undoubtedly a political power in the country, more of a martyr than he has already become through their action. The Government seem to have no idea of taking into consideration what are the motives actuating a man in Father Keller's position, they ignore the feelings of the people among whom he lives and by whom he is beloved. It is not to be denied that in every constitutionally governed country it is the duty of the governors to try and find out what are the reasonable aspirations of those over whom they are placed and to secure that, as far as possible, their legislation shall come within the spirit of those limits. But the very opposite line of conduct marks the acts of the British Government in Ireland. I would appeal, Sir, to the right hon. Gentleman the Chief Secretary to descend from the pedestal on which he has placed himself, and to consider these matters which affect poor mortals. Let him give his great mind to see how things are managed in Ireland, and if he will only devote some thoughtful consideration to it, he will acquire a more intimate knowledge of the men over whom he is placed.

Mr. BRADLAUGH (Northampton): I have risen for the purpose of pointing out to the Government the extremely unfair position in which they put English Members by taking part Votes on account. If we discuss in fulness any Vote to which we have objection, we put ourselves under the suspicion of desiring to obstruct the Business of the Government; but if we allow large sums of money to be voted without question we put ourselves in the position of not doing justice to our constituents. There are several Votes and several matters involved in the Vote on Account which I have already raised by Question in this House, and in regard to some I have given Notice of my intention to raise a discussion of them when the Estimates are considered. I do not intend to do it at this stage; but if, on another occasion, it is found necessary to take a Vote on Account instead of submitting the Estimates in the ordinary way, I give notice that I must, at any risk, raise the points I wish to have discussed.

Mr. ILLINGWORTH (Bradford, W.): I really think that the right hon. Gentleman the Chief Secretary for Ireland cannot have considered the question. If it be true that a month ago an appeal was made to him relative to the treatment of this Gentleman—

Mr. A. J. BALFOUR: Although a statement to that effect has been twice made, I was unwilling to interrupt hon. Members. But it is a fact I never made any such promise with regard to Father Keller, nor did I say anything on this matter a month ago. A few days ago, while the Committee was on the first clause of the Crimes Bill, I gave a general pledge to look into the question of prison administration.

Mr. T. C. HARRINGTON: Father Keller's case was mentioned more than a month ago.

Mr. ILLINGWORTH: But it is the fact that two rev. gentlemen are at this moment in prison in Ireland. At this time too, there is a clergyman in an English prison for contempt of Court. I know for a fact that the treatment in the two cases is as different as possible. If this is to continue how can the Government hope to reconcile Ireland to British rule? Can there be any rhyme or reason for the supercilious answer of the right hon. Gentleman? Surely he might give us some comfort by assuring us that there will be expedition used. In my opinion, there ought not to be an hour lost in which the feelings and indignation of the Irish people can be justifiably aroused, yet the right hon. Gentleman will leave the Committee in doubt as to whether he has already initiated an inquiry, or whether he proposes doing so before Whitsuntide. He does not give us the slightest indication that in his mind he deems this question to be one of urgency. There are, I believe, few questions which more appropriately might engage the immediate attention of Parliament than the treatment of gentlemen confined under these conditions in Irish prisons.

Mr. CHANCE: Two Irish priests are in prison charged with no offence whatsoever; they are subjected to considerable indignity; for 22 out of 24 hours they are locked in a miserable damp room, what little exercise they are allowed they have to take as felons, and if for the whole two hours they do not choose to keep on their feet they are led back to their rooms and again locked up. The letters which they receive and write are opened; if the contents are considered objectionable they are suppressed. I can perfectly well understand why these two priests are detained in prison. It is because they have advocated a certain Plan of Campaign. The Government tried to tackle that plan in the open with the powerful weapons of jury packing, a paid public Press, and a full bar of Crown lawyers. They failed miserably; and, therefore, they took the most despicable course of catching Catholic clergymen, asking them questions they would certainly refuse to answer, and treating them as felons for that refusal. I would remind the Committee that these priests, in refusing to betray their Plan of Campaign, acted precisely in the same way as the right hon. Gentleman the Member for Bristol (Sir Michael Hicks-Beach) when he refused to betray his Plan of Campaign.

THE CHAIRMAN: Order! order! The hon. Member is suffering himself to wander very far from the subject.

MR. CHANCE: I understood that the subject was the treatment in prison of Father Keller, and I wanted to point out the causes which, in my opinion, led to that treatment. I also wanted to point out that there were no rules specially framed for the treatment of these prisoners, and to suggest it was in the power of the Castle Authorities to frame such rules. If that line of argument is out of Order, I will not proceed with it.

THE CHAIRMAN: I have instructed the hon. Member that he is perfectly at liberty to discuss the treatment of these gentlemen in prison.

MR. CHANCE: It is perfectly impossible to carry on the discussion in that way. This is the third or fourth time to-night that Irish Members have found it impossible to raise distinct and important issues. I trust that the Government will have the manliness to meet us in open fair square fight, instead of acting in this miserable, mean, and degraded manner.

MR. W. ABRAHAM (Glamorgan, Rhondda): Will the Government say whether the treatment of a clergyman confined in England or Scotland for contempt of Court, is the same as that to which Father Keller is subjected. There is now a clergyman imprisoned for contempt of Court. Does his treatment differ in any way from the treatment accorded to Father Keller?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I have no reason to believe that the hon. Gentleman (Mr. W. Abrahams) has stated what is incorrect. I have no knowledge of the facts of the case, but I believe the treatment is of precisely the same character.

MR. ILLINGWORTH (Bradford, W.): My information is from the public prints, and there it was stated that this clergyman is allowed to see his friends, and that every luxury is provided for, and every consideration shown to him.

MR. MAURICE HEALY (Cork): I wish to say a word or two on what strikes me as a legal matter arising out of this Vote, on which I should like to hear the opinion of the Attorney General for Ireland. I put a Question on the matter a few days ago, and it does appear to me to be a very important subject. As I understand it, there are two classes of prisoners who are treated in a somewhat exceptional manner—untried prisoners, and what are called first-class misdemeanants. It is perfectly plain that persons who are committed for refusing to answer questions do not come within either category—they are not untried prisoners, because they are charged with no offence, and cannot possibly be tried; they are not committed for contempt, because that is not the form of the warrant under which they are held in custody, and the statistics under which they are committed do not describe their offence as contempt of Court. That being so, I wish to be informed why the Prisons Board have taken it upon themselves to treat these gentlemen as if they had been committed for contempt of Court? For my part, I deny that the Board have any right whatever to do so. It seems to me that these persons constitute a third and perfectly distinct category of the prisoners whose case is not met by the prison rules as they are at present drawn up. That being so, and these being privileged prisoners, as I may call them, and the Prisons Board having been put, in a certain sense, to choose whether they would treat these gentlemen as untried prisoners, or prisoners committed for contempt, I want to know why they have selected the severer *régime?* I respectfully submit that it was perfectly open to the Board to have treated these gentlemen as untried prisoners, a category which is quite as applicable to them as the other. The section under which they are imprisoned does not describe their offence—if I may call it an offence—at all as contempt of Court. It simply authorizes the Judge before whom they may be examined to commit them to prison for refusing to answer questions, and that is altogether different from the ordinary cases, either of persons committed for contempt by the High Court, and by the Common Law power which the Inferior Courts have. I hold, therefore, that the Prisons Board have exceeded their powers in this matter; or, at any rate, they have exercised, and are exercising them, if they have any discretion, in a perfectly unwarrantable fashion. I say it was perfectly open to them, when they were deciding in what manner these gentlemen should be treated, to have said—"As the law stands they are not convicted prisoners, nor untried prisoners, nor persons committed for contempt, and we will put them in the category of untried prisoners." This is a very important matter. We have been for several weeks past discussing the 1st section of the Crimes Bill. [*Cries of* "Order!"] I think this is perfectly relevant; because the persons who are committed for refusing to answer questions at the secret inquiry will be in exactly the same position as the two gentlemen who are now in gaol. The section of the Petty Sessions Act under which prisoners will be committed for refusing to answer at the secret inquiries are equally silent as to the category in which these persons will be placed in prison. It does not describe the offence as contempt of Court, but leaves the question of treatment for the Prisons Board to decide. That being so, I ask the Attorney General for Ireland, whose attention I drew to this matter some time ago, to explain to this Committee on what ground the Prisons Board took it upon themselves to say that these prisoners are prisoners committed for contempt of Court, and to refuse to rank them as untried prisoners.

Mr. HOLMES: I do not wish to prolong this debate; but with reference to the question which has been asked me, my answer, I hope, will be satisfactory to the hon. Gentleman. This question has not now arisen for the first time. Ever since the year 1859 this has been a matter which, from time to time, has had to be dealt with by the Prisons Board and the Irish Authorities. From that time down to the present, persons who have refused to answer questions in the Higher Courts have been treated as if they were committed for contempt of Court. And for a very good reason, because they are committed for contempt of Court. The Superior Courts require no Statute. When a witness will not answer he is committed; but when a Statute called into existence the Bankruptcy Court in Ireland, power was given to imprison persons for not answering questions, just as the Superior Courts have power to commit for contempt of Court——

Mr. T. C. HARRINGTON: But the power to commit in the Bankruptcy Court is a distinct power.

Mr. HOLMES: Yes; but the two things do not differ in the slightest degree, and if a witness declines to answer questions the offence is really of the same character as contempt of Court. It is essentially a similar offence. You cannot draw any distinction; and, therefore, as I say, the rule which has been followed since 1859 is justifiable.

Mr. T. C. HARRINGTON: I can assure the right hon. and learned Gentleman the Attorney General for Ireland that he is very much at sea in this matter. I do not complain of that, for we all know that the Bankruptcy Law is a thing which very few lawyers go to the trouble of studying. But if he will examine the matter, he will see that there is the greatest distinction between an ordinary case of a witness refusing to answer a question and a witness committed for contempt. The two things are treated in different ways. There are two different Schedules attached to the Bankruptcy Act setting out two different forms. One of them, Schedule W of the Act of 1867, sets forth the refusal of the witness to answer. The other, Schedule Y, is the form of warrant for the committal of a person for contempt. If the two things are one and the same, the draftsman would not have thought it necessary to put two separate Schedules to the Bill giving two different forms of warrant. The fact is, that under the old Bankruptcy Law there was this power to imprison a witness who refused to answer, or to sign his depositions, and the whole of the depositions had to be set out in the warrant for his committal. What took place was this—that a section was introduced in the Act by which it was made unnecessary to set out the depositions in the warrant; and it became only necessary for the Judge, in making the order for the committal, to refer to the number of the question on the depositions. That is precisely the case in Father Keller's imprisonment. The question is set out on the face of the warrant numerically, thereby taking the offence out of the category of contempt of Court. So it is treated by the Judges. I have been arguing the question during the last few days before the Judges of Ireland, and they are not disposed to dismiss it in the very summary way which the right hon. and learned Gentleman the Attorney General for Ireland wishes to do now. The right hon. and learned Gentleman may allow me, also, to point out that the Prisons Act of 1877 gave power to the Prisons Board to make orders in cases of this kind, and there is no need to go back to 1859, and to say that the practice then followed has been continued up to the present time, when the additional powers given to the Prisons Board in 1877 are taken into consideration. What I complain of is, that while there are two sets of rules to meet the case of prisoners who have not been tried, or prisoners who are not sentenced for any definite offence, the Prisons Board have elected to treat Canon Keller and Father Ryan under the most severe of those sets of rules. The first-class misdemeanant was originally the imprisoned debtor, and, of course, no one can deny that there must be some question of punishment attached to imprisonments of that nature. Then there is the case of prisoners awaiting trial who are allowed certain privileges to which the first-class misdemeanant is not entitled, such as full access to his counsel and his medical adviser, and the right of free correspondence. The person committed for contempt is, on the other hand, restricted to a great extent as to his correspondence, nor is he allowed free access to his counsel or his medical adviser. Could there be anything more absurd than to contend that one whose offence is not sufficiently great to place him within the category of committal for contempt of Court is not to have the same right as a man who is charged with a heinious offence, but who has not yet been brought to trial? If these rev. gentlemen were in prison awaiting trial on a grave charge, they would have free access to their counsel and medical adviser, and free correspondence. These privileges are denied because the Prisons Board refuse to carry out an Act of Parliament, and indignities are inflicted upon them which were never contemplated at the time the Bankruptcy Act was passed. I do not think we should be doing justice to our constituents if we were to rest content with the answer of the right hon. and learned Gentleman the Attorney General for Ireland, and I think we are entitled to a further answer. I, therefore, beg to move that you report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. T. C. Harrington,*)—put, and *negatived.*

Original Question put, and *agreed to.*

Resolutions to be reported *To-morrow.*

Committee to sit again upon *Wednesday.*

COAL MINES, &c. REGULATION BILL.

(*Mr. Secretary Matthews, Mr. Stuart-Wortley.*)

[BILL 130.] COMMITTEE.

Order for Committee read.

MR. J. E. ELLIS (Nottingham, Rushcliffe): I rise to appeal to the Government in the very strongest manner in regard to this Bill. Considering the large number of people who are interested in it, its extreme importance, and the unexpected way in which the second reading was taken, I wish to ask the Government whether they will not put it down for some date when we can have an adequate discussion upon it? I do not see that it is possible to have such adequate discussion this side of Whitsuntide, and in the absence of any assurance that they will give us facilities before Whitsuntide, I beg to move that the order be postponed until the 9th of June, which, I believe, is the Thursday immediately after the re-assembling of the House.

Motion made, and Question proposed, "That the Committee be deferred till Thursday 9th June."—(*Mr. J. E. Ellis.*)

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): If it is the wish of hon. Gentlemen that the Order should be definitely postponed until the 9th of June, the Government will offer no objection.

Question put, and *agreed to.*

TRUSTS (SCOTLAND) ACT (1867) AMENDMENT BILL.—[BILL 225.]

(*Mr. Solicitor General for Scotland, The Lord Advocate.*)

SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL FOR SCOTLAND (Mr. J. P. B. ROBERTSON) (Bute): In moving the second reading of this Bill, I wish to make only one observation. We propose in Committee to bring forward Amendments to simplify and extend the scope of this Bill merely to this extent. Instead of enabling the trustees to go to the Court for powers under this Bill, we propose that the trustees shall have some power without going to the Court at all; and, in the second place, we propose that clauses should be inserted which will have the effect of ratifying reductions of rent which may have been given by the trustees on their own motion.

Motion made, and Question, "That the Bill be now read a second time,"—(*Mr. Solicitor General for Scotland,*)—put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

PARISH ALLOTMENTS COMMITTEES BILL.—[BILL 170.]

(*Mr. Cobb, Mr. Channing, Mr. Fuller, Mr. James Ellis, Mr. Herbert Gardner, Mr. Thomas Ellis.*)

SECOND READING.

Order for Second Reading read.

MR. COBB (Warwick, S.E., Rugby): I feel that it would not be right at this very late hour that I should detain the House with any explanation of this Bill, which has been for some time before the House I believe that some Bill of this sort will command the approval of all parties in the House, and the only object I now have in view is to do something towards putting this allotments question at least one stage forward. In the hope that the Government will give an assurance that that is also their intention, I will confine myself to moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Cobb.*)

MR. RADCLIFFE COOKE (Newington, W.): I beg to move the adjournment of this debate, on the ground that it is wholly impossible at this hour to discuss a Bill of this importance. It has 62 clauses; it deals with every parish in England, with few exceptions; it establishes a Corporation in every parish, and enables those Corporations to borrow money and acquire land without the consent of this House, on the security of the Poor Law Fund. I only mention these few points to satisfy the House that this is a Bill which ought not to be proceeded with in this fashion.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. Radcliffe Cooke.*)

MR. BROADHURST (Nottingham, W.): I wish to appeal to the right hon. Gentleman the Leader of the House to use his influence with his followers to induce them to withdraw this Motion. This Allotments Question is one that is well understood by nearly every Member of this House. It is a subject in which great interest is taken by hon. Gentlemen on both sides of the House. The hon. Baronet the Member for East Norfolk (Sir Edward Birkbeck) has a very useful Bill before the House, and he has received very great assistance this Session from my hon. Friends here. I myself have done what I could to assist the passage of that Bill, and if the right hon. Gentleman (Mr. W. H. Smith) could say a word to ensure the second reading of this Bill, we might, perhaps, find time for more ample debate.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) Strand, Westminster): No one feels more interested in this question of allotments than I do and have done, and this feeling is shared entirely on these Benches. The Government have an Allotments Bill of their own, which will deal with the question much more effectually and thoroughly than the Bill of the hon. Gentleman opposite (Mr. Cobb). The hon. Member only asks us for an assurance that we should give this matter one step forward. We believe that will be best secured by the consideration of a measure which is about to be introduced in "another place," and which, we hope, will be passed through this House during the present Session. The machinery with which the hon. Gentleman (Mr. Cobb) has clothed this measure we deem to be unsatisfactory; and, therefore, I hope the hon. Member will consent to postpone this Bill until he can see our own measure, which we believe will be thoroughly satisfactory to both sides of the House.

Mr. COBB: The right hon. Gentleman (Mr. W. H. Smith) will, I am sure, give me credit for only trying to do what is in my power to push this question forward. It will, perhaps, be also within his memory that a month or five weeks ago I asked him whether, seeing that an Allotments Bill was promised in the Queen's Speech, he would not bring it forward at once, and consent to that, as well as the large number of other Bills before the House on the subject, being referred to a Select Committee, so that the work of allotments might be going on. I am quite willing to accept that now, and not to take a Division. Otherwise I feel that I must resist the Motion for the Adjournment of the debate.

Mr. FINCH-HATTON (Lincolnshire, Spalding): I want to say one word on this question of the adjournment of the debate, being equally interested with the hon. Member opposite (Mr. Cobb) in the question. On the distinct understanding from Her Majesty's Government that if we agree to the adjournment of the debate to-night they will not only introduce their Bill into the other House, but proceed with it here this Session, I shall support the Motion for the Adjournment.

Mr. NEWNES (Cambridgeshire, E., Newmarket): I beg to point out that the hon. Member who has brought forward this Bill has not received the assurance he asked, that the Bill of the Government and the other Bills shall be referred to a Select Committee. This is a question of the deepest possible importance to the rural districts of England, and we should be very much better employed in dealing with it than in coercing the Irish people. At all events, I hope that unless the hon. Member receives a distinct and emphatic assurance that this question will receive the attention of the House he will refuse to accept any compromise.

The PRESIDENT of the LOCAL GOVERNMENT BOARD (Mr. Ritchie) (Tower Hamlets, St. George's): It is quite impossible for the Government to give any such assurance. They cannot consent to refer this Bill to a Committee, and the reason is obvious. The Government have prepared and are ready to introduce to Parliament a Bill of their own, which deals with this subject in a more satisfactory manner than this present Bill does. Holding that opinion, it is out of the question for the Government to assent to the second reading with the idea of referring the Bill to a Select Committee. I can assure my hon. Friend behind me that the Government are prepared to deal with the subject at once. No time will be lost in introducing it into the House of Lords, and we hope it may pass into law this Session. It would not be in Order for me to discuss the provisions of the Bill now. The hon. Member says it has often been discussed before, and that there is a practical agreement upon it; but I think what there has been a practical agreement upon is that there shall be a Bill dealing with the question of allotments. The principle of this Bill has not been under discussion, that principle being that the parish shall set up an authority, with full power to deal with the matter. All I have to say on this point is in reference to the observation that in principle this Bill has been assented to. What has been assented to is that there should be an Allotments Bill; the Government are pledged to that, and the Bill will be introduced.

Sir WALTER FOSTER (Derby, Ilkeston): I have hope that opinion has made some progress on the other side, since in the last Parliament we had an Allotments Bill opposed very much on the same grounds by the Party opposing this Bill now. Again, we have the assurance that the Government have a better Bill ready. But we have not seen the Government Bill, and we do know that the principle of this Bill commends itself to many of us on this side. We recollect, also, that we are not receiving the support we hoped for from the professed friends of the Allotments Question. We ask only for a decision upon the principle, and that being denied us, we must take a Division technically upon the adjournment; but which will be accepted as a division on the principle of the Bill of my hon. Friend.

Mr. CHANCE (Kilkenny, S.): I only wish to say that the Government, by the action of one of their own supporters, have been prevented from stating what their objections to the Bill are, and that is a most inconvenient state of affairs. It may be a bad Bill, it may be a good Bill, I will not discuss it now; but I wish to point out that all we have is a promise that at some time some Bill will be introduced in "another place." Meanwhile, the Government stand uncommitted on this Bill. We want them to state their views, and give reasons for their "Yes" or "No" to the Bill. I would appeal to the First Lord of the Treasury to induce his supporter to withdraw the Motion for Adjournment. We desire to have the views of the Government stated, and the country desires it. When it learns that a Motion from an hon. Gentleman sitting immediately behind the Government Bench prevented the Government from expressing an opinion, the country will draw its own inference from the occurrence.

Mr. CHANNING (Northampton, E.): I am bound to protest against the course of the Government. The whole time of the House is taken up by Irish affairs, and when an opportunity occurs of doing useful work in a matter vitally important to England it should not be let slip. The argument of the President of the Local Government Board that the Bill of the hon. Member for Rugby brought in a novel principle—the principle of a popularly elected body—is precisely the reason why this Bill deserves full consideration. Before we go to a Division I should like to ask how it is that we hear from the Government about the introduction of a Bill in "another place" only when this Bill happens to be unblocked upon the Orders to-night? I hope the Government will see their way to inducing the hon. Member to withdraw his Motion, and not give their assistance to burke the free discussion of this question in the face of the whole country.

Mr. CLANCY (Dublin Co., N.): If this Motion is not withdrawn, the understanding is that, practically, the Division is upon the principle of the Bill. The Government have shown they are trying to dodge the agricultural labourers; but we can hold them to this question until they pronounce their opinion distinctly.

Question put.

The House *divided:*—Ayes 143; Noes 85: Majority 58.—(Div. List No 144.)

Debate *adjourned* till *To-morrow*,

Mr. Chance

OPEN SPACES (DUBLIN) BILL.—[Bill 80.]

(*Mr. William Redmond, Mr. T. D. Sullivan, Mr Murphy, Mr. Dwyer Gray, Mr. Timothy Harrington.*)

SECOND READING.

Order for Second Reading read.

Mr. MURPHY (Dublin, St. Patrick's): I beg to move the second reading of this Bill. The chief objects for which this Bill was intended are provided for by the Metropolitan Open Spaces Extension Bill, which has passed the third reading in this House, and which applies to Ireland; but this Bill contains certain provisions that the Local Government Board did not think desirable to embody in the general Bill; they apply specially to Dublin, and will materially assist Lord Ardilaun and his Committee in their efforts to create recreation grounds by enabling old laneways and passages which have become only nuisances to be closed up. I trust there will be no objection to this stage, and ample time will be afforded for the consideration of the clauses which are proposed to be embodied in the Bill before the Committee stage is entered upon.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Murphy.*)

The PARLIAMENTARY UNDER SECRETARY for IRELAND (Colonel King-Harman) (Kent, Isle of Thanet): The Government had hoped that the Metropolitan Open Spaces Act sufficiently dealt with this subject; but as hon. Members seem to think there are some points not dealt with applicable specially to Dublin, and that the Bill is in accord with some project of Lord Ardilaun, the Government will not oppose the second reading, reserving, however, full liberty of action in reference to the next stage.

Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday* 9th June.

MOTIONS.

—o—

NATIONAL DEBT AND LOCAL LOANS BILL.

On Motion of Mr. Chancellor of the Exchequer, Bill to amend the Law respecting the National Debt and the charge thereof on the Consolidated Fund, and to make further provision respecting Local Loans, *ordered* to be brought in by Mr. Chancellor of the Exchequer and Mr. Jackson.

Bill *presented*, and read the first time. [Bill 266.]

FOREST SCHOOL.

Ordered, That a Select Committee be appointed to consider whether by the Establishment of a Forest School, or otherwise, our woodlands could be rendered more remunerative.

Ordered, That the Committee do consist of Eighteen Members.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That the Minutes of Evidence taken before the Select Committee on Forestry, in the Sessions 1885-6, be referred to the Committee.—(*Sir Edmund Lechmere.*)

SAVING LIFE AT SEA.

Ordered, That it be an Instruction to the Select Committee on Saving Life at Sea that they have power to inquire and report as to the fittings and appliances on board British Merchant Ships, with a view to the safety of life.—(*Baron Henry de Worms.*)

House adjourned at half after Three o'clock.

HOUSE OF LORDS,

Tuesday, 17*th May*, 1887.

MINUTES.] — SELECT COMMITTEES — Jubilee Service in Westminster Abbey, *nominated* · Rabies in Dogs, *appointed*.

PUBLIC BILLS — *First Reading* — Incumbents' Resignation Act (1871) Amendment * (104).

Second Reading—Registration of Dogs in the Metropolis (73); Crofters' Holdings (Scotland) (90); County Courts Consolidation * (78).

Committee—Irish Land Law (58-106).

Committee— *Report* — Land Transfer (57-105); Police Force Enfranchisement * (77).

PROVISIONAL ORDER BILLS — *First Reading* — Pier and Harbour * (103).

Second Reading — Local Government (Highways) * (87); Local Government (Poor Law) * (88); Local Government (Poor Law) (No. 2) * (89).

LAND TRANSFER BILL.—(No 57.)

(*The Lord Chancellor.*)

COMMITTEE.

Order of the Day for the House to be put into Committee read.

THE LORD CHANCELLOR (Lord HALSBURY) said, the object of the Bill was to meet a real and substantial grievance, which he believed existed at the present time, and which prevented the owners of land from enjoying proper facilities for disposing of their property. One serious difficulty which stood in their way was the perpetual necessity for the examination of the title which had to take place, every time land, however small the parcel, was transferred. It was with a view to get rid of that grievance, and not in order to yield to any popular clamour, that the measure had been introduced. The measure would not abolish settlements or wills, but was designed to prevent litigation in respect of estates tail in future, and would in regard to transfer abolish—as far as possible—the distinction between real and personal property. Without departing from the main lines of the Bill, he was desirous, as far as he could, to meet the suggestions which had been thrown out by both his noble and learned Predecessors in Office, and that he had endeavoured to do by means of a number of clauses, which were of course of a technical nature, and could not be suddenly put before the House so as that their Lordships should be able to understand them at once. He therefore proposed to commit the Bill *pro formâ* in order to have the Amendments printed together with the Bill, and to postpone the discussion in Committee until after the Whitsuntide Holidays.

Moved, "That the House do now resolve itself into Committee." — (*The Lord Chancellor.*)

Motion *agreed to*; House in Committee accordingly; Bill *reported* without Amendment: Amendments made: Bill *re-committed* to a Committee of the Whole House; and to be *printed* as amended. (No. 105.)

REGISTRATION OF DOGS IN THE METROPOLIS BILL.—(No. 73.)

(*The Lord Mount-Temple.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD MOUNT-TEMPLE, in moving that the Bill be now read a second time, said, that the measure would not interfere in any way with the existing laws and regulations in regard to dogs, but it proposed some additional precautions for dealing with them. There was a large number of homeless dogs wandering about the streets of the Metropolis. Experience both in England and in other countries showed that the muzzle was to a great extent a failure, and it was very seldom that a mad dog was seen with a muzzle on. In the early stages of rabies it was well known that a dog became very nervous and much distressed; he shrank from noise and the light, and his instinct was to hide himself from human supervision. When the disorder was becoming more serious he might escape from his master's house into the street. Sometimes also a dog managed to displace the muzzle with his paws. He argued that not only did muzzles prevent dogs lapping water, but they hindered breathing to some extent in hot weather. As far as he had studied the matter, therefore, it seemed to him that muzzling dogs to prevent rabies was a a delusion and a snare. The Bill provided that after the 31st December, 1887, a dog found in any public place within the Metropolis not wearing a collar and badge shall be deemed not to be under control. Every householder or occupier of any house, or part of a house, must make and sign a return of the number of dogs kept within seven days of the demand for such a return being made by the chief officer of police for the district. The chief officer of police in every district must provide a register containing the particulars relating to all dogs kept by persons residing in the district. Every person keeping a dog must have it registered, and on the receipt of the license shall receive an official badge indicating the number of the dog on the register and the year to which the number is applicable. No dog shall be permitted to appear in any public thoroughfare without a collar having a badge; and the fact that an animal was found without the badge would be *primâ facie* evidence that the animal had no owner, and might be taken charge of and destroyed. It is not necessary that the registered number of a dog shall be changed when a dog is transferred from one owner to another, but the person who becomes possessed of a dog with a registered number must give notice of the change of ownership within three clear days to the principal police office of a district. This system had been found to work well in Vienna and other places, and he thought that it would obviate the necessity of muzzling. Every person keeping a dog which shows symptoms reasonably inducing a suspicion of rabies must give notice to the chief officer of police for the district, who shall cause the animal to be examined. If found to be suffering from rabies the dog will be destroyed; if not, it will be returned to the owner.

Moved, "That the Bill be now read 2ª."—(*The Lord Mount Temple.*)

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) said, the noble Lord had taken somewhat unnecessary trouble in addressing to the House an argument which did not meet any of the points to which objection had been taken. If it had been proposed to apply the Bill to the whole Kingdom there might have been a good deal to be said for the tone he had adopted in regard to the muzzling of dogs generally. It was, however, a Bill dealing only with the Metropolis, and the remarks of the noble Lord were somewhat outside the question. Opinion was not at all settled, as the noble Lord seemed to suppose, as to the question of muzzling. The noble Lord had spoken of what he regarded as the injury done to dogs by the system of muzzling; but his opinions were by no means accepted by experts. Both humanely as respected the dogs, and safely as respected human beings, he thought it very desirable there should be an inquiry upon the subject, and he should move that evening for a Committee with that object. Various theories were advanced for rabies, and before further legislation took place upon this subject he thought that it was most desirable that they should have before them the Report of the Royal Commission on hydrophobia in human beings, and M. Pasteur's plan of dealing with it. This would leave them free to deal with hydrophobia in dogs. He did not propose to oppose the second reading, because the Bill would be comparatively harmless in its effect. Whether one of the modes proposed to be adopted for preventing wild, masterless dogs going about—which in itself was a source of danger—would be accepted by the public generally, whether people would be prepared to go to the expense of having arrangements made with the police by which the police were to take into custody all the dogs they saw with premonitory symptoms of rabies, he was not prepared to say; but, at the same time, it was one of the modes which had been adopted in Vienna. The method did not supersede muzzling, because there was no attempt in the Bill to say that one method was more efficient than another. He did not want to enter upon the question whether muzzling ought to be done away with altogether or not, because it was a controverted question, and he would only say, therefore, that he should not be prepared to assent to the further progress of the Bill until there had been an inquiry upon the subject of rabies in dogs; so that good and sound evidence and information might be obtained as to the best mode of dealing with dogs for the prevention of disease and the protection of human beings. He was afraid that if he entered into this subject at the same length that the noble Lord had done, their Lordships would come to the conclusion that he himself required a muzzle.

Lord BELPER said, he was Chairman of the Local Authority of a county—the County of Notts—in which there had, perhaps, been more rabies than in any part of the Kingdom except London, and, in compliance with requisitions from the hospital authorities, and others well qualified to judge, they had found it necessary to muzzle all the dogs in the county; and he believed that that order, in so far as it had been enforced, had been valuable in its results. But it had not been so efficacious as it might have been, owing to the fact that it was impossible to extend the regulation beyond the actual boundaries of the county, and several cases had occurred on the borders of neighbouring counties where similar regulations were not in force. In one case in a neighbouring county, a poor boy was bitten by a mad dog and died—muzzling regulations being in force in Notts at the very time, only a few yards distant. He ventured, therefore, to call the attention of the President of the Council to this point, and asked him whether it would not be desirable to give power to extend provisions against rabies beyond county borders. He expressed the hope that the Committee to be appointed would consider whether some means could not be devised for extending the area of publication in which muzzling was to be enforced.

Motion *agreed to;* Bill read 2^a.

CROFTERS' HOLDINGS (SCOTLAND) BILL. — (No. 90.)

(*The Marquess of Lothian.*)

SECOND READING.

Order of the Day for the Second Reading, read.

The SECRETARY for SCOTLAND (The Marquess of Lothian), in rising to move that the Bill be now read a second time, said, that it was an Amendment of the Crofters Act passed last year, and had been under the consideration of Her Majesty's Government for some time. In fact, it was prepared by his Predecessor in Office, who was now Chief Secretary to the Lord Lieutenant of Ireland. As he understood, it was was not brought forward earlier because of certain difficulties felt by the Commissioners under the Crofters Act in the way of carrying the provisions of the Bill into effect. Those difficulties had now been overcome, and the Government now thought the Bill might advantageously be brought before their Lordships. Under the Crofters Act of last year, it was provided, under the 4th section of the 6th clause, that, in the case of any crofter making an application to the Commissioners for the consideration of a re-valuation of his rent, and the amount of his arrears he should be bound to pay to his landlord, the Commissioners were entitled to sist all proceedings for the removal of the crofter in respect to non-payment of rent, until his application had been determined upon by the Commissioners upon such terms as to payment of rent and arrears as they might think fit. Judging from the debate in the House of Commons upon this clause on the 5th April, it seemed to him that it had been understood by those who had introduced this measure, and also by the House of Commons generally, that it was intended, though not actually stated in terms, that the result of that clause would be that in the case of any crofter making such an application, proceedings should be sisted until the Crofter Commission had had an opportunity of considering and deciding upon his case. It turned out, however, that, by the first clause of the Act, any crofter who became a notour bankrupt was precluded from the provisions of the Act; and, therefore, whether intentionally or unintentionally, by what he might term a side wind, it was possible for any landlord who wished to do so to defeat the intention of Parliament, and to exclude a crofter tenant from the operation of the Act by taking proceedings in bankruptcy against him, and making him a notour bankrupt. He did not think that that could have been the intention of the Act of last year, because if it had been possible for the Commission to undertake the consideration and adjustment of all the applications made to them at once, this difficulty would not have arisen. But owing to the number of applications which had been made, and were likely to be made, it was impossible for the Commission to adjudicate upon them all for many months, perhaps it might be for many years. That was not the fault of the crofters themselves, neither of the landlords, who were anxious that their cases should be decided at once; but under the Act as it now stood this was simply impossible, and it might become necessary, or some landlord might feel it incumbent upon him, to proceed against a tenant by making him a bankrupt, and thus excluding him from the benefits of the Act, which were meant to be in their favour. That was only one side of the question. There was the side of the landlords themselves. He would like, with regard to this, to record his opinion that the landlords had, on the whole, almost universally behaved toward the crofters with the utmost forbearance, and had not done what the law permitted them to do, but there was a feeling of insecurity on the part of the crofters with regard to the terms of the Act. On the one hand, it would be very simple to protect the crofters from being proceeded against under this Act until the Commissioners had an opportunity of adjusting their claims; but, on the other hand, the claims of the landlords should also be taken into consideration. If it were put out of the power of the landlords altogether to proceed against any tenant for recovery of arrears until the Commission had adjudicated on the case, there was no doubt that, in many instances, the landlords would receive no rent at all for, perhaps, two or three years. The case of the crofters was that they should not be proceeded against by the landlords, so as to be deprived of the benefits of the Act. On the other hand, the landlords should not be deprived of the opportunity of obtaining rent or arrears from tenants who were perfectly able to pay. It was proposed by this Bill to meet the necessities of the case of both landlord and tenant. In the first place, under Clause 2, the Crofters Commission would have the power of prohibiting such sale by the landlord of the tenant's effects as would make the crofter a notour bankrupt until the case was finally determined by the Commission. On the other hand, if, on being proceeded against by his landlord, a crofter should make application to the Commission, the Commission were given power to make such inquiries as might be deemed necessary in order to see whether the crofter was really able or unable to pay the whole or any portion of the rent and arrears. Although the question was one of some difficulty, he hoped their Lordships would agree that the matter between the crofters, on the one hand, and the landlords on the other, had been fairly met by the terms of this Bill. The question was somewhat difficult, because the effect of this Bill could only last as long as the Crofters Commissioners were engaged in adjudicating on the applications made to them, and because, as a matter of fact, it did prevent landlords from recovering rents which might be justly due to them. But he would ask them to remember that not only this Bill, but the Crofters Act itself, had been framed to meet an exceptional state of matters; and he thought that their Lordships would not object to this Bill, which was really merely a question of giving effect to the principle which the Act of last year had been intended to carry out. In conclusion, he begged to move the second reading of the Bill.

Moved, "That the Bill be now read 2^a."—(*The Marquess of Lothian.*)

THE DUKE OF ARGYLL said, he willingly acquiesced, so far as he was concerned, in the passing of this Bill, which was brought forward with the view of carrying out what he believed was the intention and effect of the 4th sub-section of the 6th clause of the Crofters Act. Their Lordships would recollect that, under that Act, something of the same system, with regard to the valuation of rents, was applied to the small tenantry of the West and North

Highlands of Scotland as had been applied to Ireland. That was to say, three gentlemen were commissioned to go over the country and ascertain how far the rents of these small tenants, under £30, were or were not excessive. Of course, they had undertaken their work at a time of very deep depression, and it naturally followed, from that power, that some restraint was placed on the landlords in respect to proceeding against their tenants for arrears of the rent which might turn out to be excessive. Therefore, the 4th sub-section of the 6th clause provided that, on the application of a crofter, the Commission might sist, or stop all proceedings for the removal of the crofter for non-payment of rent until the Commission had come and viewed his holding. He confessed that when the Act was passed, he was of opinion that, under that clause, the Commission had full power to stop all proceedings for arrears. It turned out, however, on some landlords having proceeded against their tenants for arrears, that, though the Act did stop proceedings for eviction, it did not stop proceedings for the sale of the tenant's cattle and effects; and it was found by another clause that when the cattle had been sold, and the tenant was declared bankrupt, he could be turned out of his holding. Therefore there was a back door open by which landlords might in certain cases evade the intention of the Act and turn out their crofter tenants. These were the circumstances which called for this Bill. His noble Friend the Secretary for Scotland (the Marquess of Lothian) had frankly admitted that the Crofters Commission had proceeded so much more carefully than the Commissioners had done in Ireland, that they were taking a very long time in their valuations. They were going very carefully over every farm, traversing the ground with great care, holding long sittings, taking elaborate evidence, and they were going so slowly that, as his noble Friend had said, they might take many years before they had finished their work. He hoped that was exaggerated, but he was afraid they would take some years before they went over the whole ground. They had been sitting some months in the Island of Skye alone, and had not yet overtaken half of the claims. There were some of the proprietors who could hardly afford to stand out of the whole of their rents for a long time; therefore the Government had, while they carried out the intentions of the Act and prevented the landlords from evicting, on the other hand, allowed the landlords to summon their tenants for rents which were reasonable. On application the two parties were to come before the Commission, and the Commission—upon affidavits laid before them—were to decide how much of the arrears should stand until the Commission were able to go over the grounds. There were facts which could easily be placed before the Commission which would enable them to judge whether, at least, a portion of the arrears could be paid up, leaving the remainder until the decision of the Commissioners on the application to fix fair rent. He was willing to agree to that compromise, and he gave his assent to the Bill. But he wished to take notice of a Question which was put in "another place," which, it was needless to mention, was put by one of the Members who were called the crofter Members, and who, he thought, were not always very scrupulous in their statements with regard to landlords as they might be. The Question was put in "another place" to know whether is was not true that the landlords in all the crofting counties in Scotland had intended to proceed against their tenants. Of course, that Question gave the impression to Parliament and the country, and, he was afraid, was intended to give the impression, that landlords generally were trying to evade the Act, and to take advantage of the proceedings under the 1st clause of the Crofters Act. His knowledge of the country enabled him to say absolutely that that suggestion was absolutely not true. It might be literally true that one or two landlords in the country had taken that course, but he had not the slightest doubt there were cases in which they were justified in doing so. He had read very carefully the proceedings before the Commission since the commencement, and was very much struck with the evidence given—especially in Skye—and the observations of Sheriff Brand, the Chairman of the Commission, from which it appeared clearly that many cases came before him in which crofters voluntarily withheld rent which they were perfectly able to pay. These cases had elicited from Sheriff Brand very severe, and, in some cases, very significant observations. There were some cases in which tenants had sold cattle and had not given a 6*d.* or 1*s.* of their arrears to their landlords, and others in which they had been buying boats, thus showing the possession of considerable sums of money, and withholding every 1*s.* of rent from their landlords. He thought in these cases the landlords were justified in proceeding against tenants by every process known to the law. He was willing, however, that these matters should be left to the arbitration of the Court, and he assented to the second reading of the Bill.

THE MARQUESS OF LOTHIAN said, he could most emphatically confirm what the noble Duke had said, that the action of the landlords generally in the Highlands against their tenants was altogether unfounded. Several cases had been mentioned to him, but as it had been in confidence, he was unable to say who they were. With regard to the noble Duke's observations respecting the work of the Crofters Commission, he understood that the Commission would, with reference to the applications made to them from the Island of Skye, issue within the next few days 500 or 600 decisions.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

IRISH LAND LAW BILL.—(No. 58.)

(*The Lord Privy Seal, Earl Cadogan.*)

COMMITTEE.

Order of the Day for the House to be put into Committee read.

Moved, "That the House do again resolve itself into Committee." —(*The Lord Privy Seal.*)

THE DUKE OF ABERCORN said, that before the House went into Committee again upon this Bill he desired to make an appeal to the noble Marquess at the head of the Government (the Marquess of Salisbury). He (the Duke of Abercorn) and his Friends on that side of the House were most anxious to assist and facilitate the progress of this Bill, and that he believed was also the desire of noble Lords opposite; but, under the circumstances, they desired that the new clauses which the Government proposed to insert in the Bill, in the place of Clauses 21, 22, and 23 of the original measure, should be discussed *pro formâ* this afternoon, and that then the Bill should be re-committed. His reason for making this request was that a Bill of vital importance connected with the interests of those who lived in Ireland had been introduced by the Government, of which the three most important clauses had been entirely remodelled by the Government and re-introduced. Many Amendments were to be moved on these new clauses, and the most of these Amendments had only been placed in the hands of noble Lords this afternoon. Therefore, it would be difficult—almost impossible—for noble Lords this afternoon to discuss them in connection with the new clauses which the Government had added to this Bill. Under these circumstances, he thought the suggestion he had made was not unreasonable; and he therefore hoped the Government would comply with the request he had made.

LORD FITZGERALD said, he had great pleasure in seconding the request of the noble Duke (the Duke of Abercorn), and he could assure the Government that there was no desire on his part to obstruct this measure. On the contrary, it was his desire to facilitate its progress. They could not forget the somewhat protracted Sitting of last night; and he had been greatly struck with the manner in which the House had been enabled to dispose of 20 difficult clauses of this most important Bill, involving great principles, and carrying with them great consequences. He had seen with admiration and pleasure the way in which the discussion was carried on by noble Lords whose personal interests were deeply affected by the measure. There was not an angry word or a word of recrimination; on the contrary, all was peace and quietness, and anxiety to give the measure full consideration, and an expression of willingness to sacrifice their individual interests to the public good. The Government now proposed to strike out the clauses which had been known as the Bankruptcy Clauses and to insert others of immense importance. The noble Duke had stated that the Amendments to these new clauses had only reached him that afternoon. Owing to judicial duties he had himself not yet even seen the Amendments. Under these circumstances, the House could not adequately enter upon the consideration of these Amendments, and he would suggest that the three clauses proposed to be struck out by the Government should be struck out, that the four clauses proposed to be inserted should be inserted, and that the Bill should be reprinted and re-committed. This would necessitate postponing the further consideration of the Bill in Committee till after the Whitsuntide Holidays, but the delay would not be unattended with substantial advantages. He had no motive except that of desiring to make the Bill as good as possible.

EARL GRANVILLE said, the noble and learned Lord (Lord Fitzgerald) had stated that it was not his desire to delay or obstruct the Bill. That might with equal truth be said of those sitting on that Bench. There were certain clauses in the Bill which they considered objectionable, and they did not as yet see that any satisfactory plan had been suggested of remedying the objections to those clauses, but they did not desire to delay or place any hindrance in the way of the measure. He thought the suggestion that had been made for the recommittal of the Bill was reasonable, and he hoped that the noble Marquess (the Marquess of Salisbury) would accept it.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY) said, that though he should have preferred to go on with the discussion, yet the views of the course of procedure which commended itself to the noble Duke behind him (the Duke of Abercorn), to the noble and learned Lord (Lord Fitzgerald), and to the noble Earl the Leader of the Opposition (Earl Granville) must be considered to be in consonance with the general opinion of the House. He proposed, therefore, to accede to the suggestion that had been made. The only way he saw of carrying out the wish thus expressed was that they should go through the Bill now *pro formâ*, inserting all the Amendments of the Government, and such other Amendments as the Government were prepared to accept, to reprint the Bill as amended, and then to put it down for re-committal until after Whitsuntide—on Monday the 13th June.

Motion *agreed to;* House again in Committee accordingly; further Amendments made: The Report of the Amendments to be received on *Friday* next; and Bill to be *printed* as amended. (No. 106.)

JUBILEE SERVICE IN WESTMINSTER ABBEY.

NOMINATION OF SELECT COMMITTEE.

Select Committee on; The Lords following were named of the Committee: The Committee to meet on *Friday* next at a quarter past Three o'clock; and to appoint their own Chairman:—

V. Oxenbridge.	L. Kintore.
L. Boyle.	L. Houghton.
L. Foxford.	L. Colville of Culross.

RABIES IN DOGS.

APPOINTMENT OF SELECT COMMITTEE.

Moved, "That a Select Committee be appointed to inquire into and report upon the subject of rabies in dogs, and the laws applicable thereto."—(*The Lord President.*)

Motion *agreed to.*

INCUMBENTS' RESIGNATION ACT (1871) AMENDMENT BILL. [H.L.]

A Bill to amend the Incumbents' Resignation Act, 1871—Was *presented* by The Duke of Buckingham and Chandos; read 1ª; and to be *printed.* (No. 104.)

House adjourned at Six o'clock,
to Friday next, a quarter
past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 17th May, 1887.

MINUTES.]—SUPPLY—*considered in Committee*—*Resolutions* [May 16] *reported.*

PUBLIC BILLS — *Committee* — Criminal Law Amendment (Ireland) [217] [*Eighth Night*]—R.P.

Committee—East India Stock Conversion [263-267].

PROVISIONAL ORDER BILLS—*Second Reading*—Gas and Water * [248]; Gas * [249]; Local Government (No. 2) * [261]; Local Government (Poor Law) (No. 3) * [260].

QUESTIONS.

FIJI—PUBLIC FLOGGING OF A WESLEYAN METHODIST.

SIR ROBERT FOWLER (London) asked the Secretary of State for the Colonies, Whether the Governor of Fiji has made any Report concerning the public flogging of Zephaniah, a Native member of the Wesleyan Methodist Church in the Rewa District, for having complained of the pillage of his gardens; and, if so, what steps Her Majesty's Government have taken to prevent the repetition of such a barbarous punishment?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): A Report upon this matter was received by the last mail. Some damage was done to Zephaniah's garden by a party of his own friends, not for purposes of pillage, but out of high spirits. The accounts differ as to the amount of damage. Upon this he wrote a letter to a Chief, which he admits to have been insolent and improper. This so incensed a large assembly of Natives present that they demanded that he should be subjected to a Native punishment called "buturaki," which involves being knocked down and jumped and stamped upon by a crowd of angry men, which must be at all times unpleasant and is sometimes followed by fatal results. An affray became imminent, and the Chief of the town restored peace by ordering Zephaniah to receive six strokes and another man five strokes. Zephaniah himself says—"I thought I had deserved my fate and was satisfied." The rest of the story is said to be exaggeration mixed with much pure invention. The "frightful wale" said to have been visible after the whipping was caused by a burn sustained some years before.

SOUTH PACIFIC—THE NEW HEBRIDES —THE ISLAND OF TANNA.

SIR JULIAN GOLDSMID (St. Pancras, S.) asked the Secretary of State for the Colonies, What notice has been taken of a Petition, dated September, 1883, and presented to Her Majesty by Lord Normanby on his return to England, addressed to Her by the Chiefs of the Island of Tanna, in the New Hebrides, objecting to French annexation, saying, that if the Island is to be annexed by any civilized Power they would prefer it to be to the Australian Colonies?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): The hon. Baronet probably refers to a Petition which was received in June, 1884, as an enclosure to a despatch from the acting Governor of Victoria. Lord Normanby does not appear to be concerned with it in any way. The Petition was forwarded at the request of a Mr. Thomas, correspondent of *The Melbourne Argus*, who seems to have been mainly instrumental in getting it up, and who witnessed the marks attached to it by the Natives of Tanna. The Earl of Derby informed the acting Governor, in reply, that he had laid the Petition before the Queen, but had not been able to advise Her Majesty to take any action in reference to it; and that Her Majesty's Government had no reason to suppose that the French Government had any intention of taking possession of the Island of Tanna.

FINANCE, &c.—REDUCTION OF THE NATIONAL DEBT 1886-7.

SIR WILLIAM HARCOURT (Derby) asked Mr. Chancellor of the Exchequer, What was the actual sum applicable from all sources for the reduction of the National Debt in the course of the last financial year, including the surplus to be appropriated under the Sinking Fund; and, what was the actual figures of the National Debt (calculated according to Sir John Lubbock's Return) on 31st March, 1887, as compared with the sum of £711,788,232, as stated for the year 1886?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): There was applied in reduction of Debt during the year 1886-7—By the action of Life Annuities and Terms of Year Annuities, £904,946; small Sinking Funds, £22,145; composition of Stamp Duty, £210,000; Land Tax and surplus Land Tax, £66,051; and sundry small amounts, £1,853; and by the action of Terminable Annuities—subject to final correction—£4,756,532; and by the action of the Sinking Fund attached to the Suez Canal Exchequer Bonds, £84,900. There was a surplus of Revenue over Expenditure in the year, which, representing the old Sinking Fund, will also go in diminution of Debt—namely, £776,006, making a total of £6,822,433. The net Debt stated on the principle of Sir John Lubbock's Return stood on March 31, 1886, at £711,788,223; and according to the calculation, not yet finally revised, it will be found to stand on March 31 last at £704,789,687. Sir John Lubbock's Return for the present year will be laid on the Table of the House as soon as it can be completed.

POST OFFICE AND TELEGRAPH SERVICES—NET REVENUE.

SIR WILLIAM HARCOURT (Derby) asked Mr. Chancellor of the Exchequer, Whether he will state the figures at which the Net Revenue—after deduction of Expenditure—of the Post Office and Telegraph Services severally stood for the years 1881 and 1887, and what is the falling off in the Net Revenue of each in the latter as compared with the former period; and, what is the additional sum which ought to be charged against the Telegraph Revenue in respect to the purchase money, and what was the net deficiency of that Revenue on such basis for the last financial year?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): The figures which my right hon. Friend asks for will be presented to the House in due course; but, in anticipation, I will give them as nearly as they can at present be ascertained in the form shown in the Appropriation Accounts. In 1880-1 the net Post Office Revenue—including in the expenditure the cost of Packet Service — was £2,586,436. For 1886-7 the Estimate is £2,400,000, showing a decrease in the six years of £186,000. The Telegraph Service showed in 1880-1 a surplus Revenue of £313,284. In 1886-7, however, instead of a surplus there will, it is expected, be a deficiency of £223,110, so that in the six years there is a falling off of no less than £536,394. This is omitting the interest on the purchase money of the Telegraphs—£326,417 a-year. If this be taken into account the deficit for the year 1886-7 will be £549,527. I should add that in both cases the falling off in the Revenue is due, not to diminished receipts, but to increased expenditure. Very large expenditure, much of it of a capital nature, has been incurred in the last two or three years for the introduction of the Parcels Post and sixpenny telegrams. I am very much obliged to my right hon. Friend for asking these questions, in order to draw the attention of the public to the falling off in the surplus of the Postal Telegraph Revenue and to the large charge which the Telegraph Service now imposes on the general revenues of the country.

ROYAL COMMISSION ON WAR AND ADMIRALTY OFFICES — THE EVIDENCE.

MR. HANBURY (Preston) asked the hon. Member for the Blackpool Division of Lancashire, Whether the Royal Commission, of which he is the Chairman, will arrange to publish at once the evidence, which is now practically completed, relating to the War Office, as, if such evidence is not published until their Report on the War and Admiralty Offices is issued, valuable information on the subject of this branch of expenditure will not be in the hands of Members for use during the present Session?

SIR MATTHEW WHITE RIDLEY (Lancashire, N., Blackpool), in reply, said, that the Commissioners had not yet completed the whole of the evidence on the War and Admiralty Offices, although it was very nearly finished. It was their hope and expectation to be able to present their first Report before the end of the Session. Under these circumstances, it would be quite contrary to precedent, unsatisfactory, and inconvenient to attempt to meet the wishes of his hon. Friend by publishing an imperfect and fragmentary portion of the evidence.

WAR OFFICE—INSANITARY CONDITION OF FORT BURGOYNE, DOVER.

MR. PRESTON BRUCE (Fifeshire, W.) asked the Secretary of State for War, Whether a "further minute inspection" has been made into the sanitary condition of Fort Burgoyne, at Dover, as promised by him; and, if so, with what result; whether troops have been quartered in these barracks since the cases of fever which occurred there recently; and, whether the 4th Brigade Royal Artillery (Fife Militia) are to be quartered in this fort in June and July?

THE SURVEYOR GENERAL OF ORDNANCE (Mr. NORTHCOTE) (Exeter) (who replied) said: Examinations have been made, both by the Medical and Engineer Departments, without discovering any cause which will account for the recent cases of typhoid fever at Fort Burgoyne. Arrangements have, however, been made for an independent examination by an expert of the Local Government Board, which may, I hope, result in the discovery and removal of any insanitary condition. Three companies of the 2nd Battalion East Kent Regiment were quartered in the Fort until the 12th instant, when the battalion went to Lydd for training. It is intended, if there be no objection on the part of the Medical Department, to accommodate the 4th Brigade of the Scottish Division Royal Artillery in Fort Burgoyne, so far as its construction will permit, the remainder of the corps being encamped close at hand.

EGYPT (FINANCE, &c.)—AN "UNACKNOWLEDGED FLOATING DEBT."

MR. BADEN-POWELL (Liverpool, Kirkdale) asked the Under Secretary of State for Foreign Affairs, Whether he can give the House any information as to the existence and magnitude of an "Unacknowledged Floating Debt" which has been incurred by the Egyptian Government, according to the statement of Mr. Wilfrid Blunt in *The Times* newspaper of 11th May?

THE UNDER SECRETARY OF STATE (Sir J. FERGUSSON) (Manchester, N.E.): The Egyptian Government have no "Unacknowledged Floating Debt," and are entirely free from advances in account current from banks or other establishments of credit.

LICENSED VICTUALLERS' PROTECTION SOCIETY—COLONEL KING-HARMAN, M.P.

SIR WILFRID LAWSON (Cumberland, Cockermouth) asked the Secretary of State for the Home Department, Whether he can state if the report in the Margate newspaper, *Keble's Gazette*, of April 9th is correct, in which report it is stated that the Margate Licensed Victuallers' Protection Society held their annual dinner at the Cliftonville Hotel on the previous Thursday, at which festivity the chairman of the evening was supported by Colonel King-Harman, M.P.; that, as the evening advanced, and—

> "As an extension of time had not been obtained, Colonel King-Harman at this stage asked the company to become his guests, and the chairman vacated his seat;"

and that, eventually,

> "the company separated shortly before midnight;"

and, whether he can inform the House if the police have taken any notice, intend to take any notice, or ought to take any notice, of these proceedings?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: The Secretary of State has received a letter from my right hon. and gallant Friend, who tells him that the facts are as stated in the Question. The landlord had forgotten to ask for an extension of time; and at five minutes to 11 o'clock, as there was still a portion of a musical programme to be completed, my right hon. and gallant Friend was informed that it was competent for him, as a resident in the hotel, to invite all or any of the party to remain as his guests, which he did. The subsequent proceedings lasted about half an hour. The head of the Margate Police was in the room, and made no suggestion of illegality. The Secretary of State has no control over the local police. He is not aware whether they have taken, or intend to take, any notice of this occurrence. Any complaint as to their conduct should be addressed to the Local Authorities.

WRECK COMMISSIONERS' COURTS, HULL—NAUTICAL ASSESSORS.

MR. ATKINSON (Boston) asked the Secretary of State for the Home Department, If he will arrange that local nautical assessors be appointed in future to attend the Wreck Commissioners' Courts when held in Hull, so as to avoid travelling expenses and delay in obtaining nautical assessors from Cardiff, Swansea, &c.?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: The practice has been the reverse of that suggested by my hon. Friend; and its policy is that the assessors should be, as far as possible, independent of all connection with the localities in which the cases arise upon which they have to exercise their judgment.

POST OFFICE, DUBLIN—THE FEMALE TELEGRAPH STAFF.

MR. T. C. HARRINGTON (Dublin, Harbour) asked the Postmaster General, Why the supervising appointment granted to the Dublin female telegraph staff last December has not yet been filled, and if it is true that a junior is performing the duties at present; and, if so, whether this is with a view to appoint her permanently over the heads of six senior clerks equally qualified?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): The supervising appointment to which the hon. Member refers is one of importance, and several persons are being tried in turn with a view to test their capabilities for the post. This will require time; and no statement can at present be made, either as to the date on which the vacancy will be filled, or as to the person who will be selected to fill it.

Mr. T. C. HARRINGTON asked, was it not a fact that the junior in the Office, to the exclusion of the six seniors, had been selected for this trial?

Mr. RAIKES: I am not aware in what turn persons are being tried; but I have no reason to believe that the trial will be confined to one person.

FINANCE, &c.—THE NATIONAL DEBT.

Mr. MASON (Lanark, Mid) asked Mr. Chancellor of the Exchequer, Whether he will lay upon the Table of the House a Statement showing the total amount of the National Debt as at 31st March, 1887; what portion of the permanent charge of £26,000,000 will be paid for interest; the sum payable for Terminable Annuities; the sum payable for management; and how much will be available for the reduction of Debt?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): Yes, Sir, the fullest possible information will be laid upon the Table with regard to the matters which form the subject of the Question. The Treasury minute explaining my proposals with respect to the Debt Charge will be in the hands of Members immediately, and it will be found to contain all the information sought by the hon. Member.

INLAND REVENUE—INCOME TAX ON PROFITS EARNED BY FOREIGNERS.

Mr. MASON (Lanark, Mid) asked Mr. Chancellor of the Exchequer, Whether he will inform the House by what means the Government propose to levy Income Tax on the profits earned by foreigners in this country who have no places of business here?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): This question is still before the High Court of Justice; and I can add nothing to the reply which has been already given to the hon. Member on this subject.

ADMIRALTY—CONVERSION OF THE ROYAL MARINE ARTILLERY INTO MARINE INFANTRY.

Colonel HUGHES-HALLETT (Rochester) asked the First Lord of the Admiralty, Whether it is in contemplation, as reported, to do away with the Royal Marine Artillery, and convert that highly-trained force into Marine Infantry?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): There is no truth in the rumour to which my hon. Friend refers, that the present Board of Admiralty propose either to abolish the Royal Marine Artillery or to amalgamate it with the Marine Infantry.

SOUTH AFRICA—ZULULAND.

Sir RICHARD TEMPLE (Worcester, Evesham) asked the Secretary of State for the Colonies, Whether the Zulus requested the British Government to defend them against the Boers; and whether they have prayed to be placed under the protection of British Sovereignty?

The SECRETARY of STATE (Sir Henry Holland) (Hampstead): I am glad the hon. Baronet has asked this Question, as it enables me to explain my short reply of yesterday, from which it might have been supposed that this Sovereignty had been suddenly sprung upon the Zulus. Zululand came under the paramount authority of Her Majesty at the end of the war in 1879, and that fact was fully recognized by the Zulus. The Zulu Chiefs, frightened at the encroachments of the Boers, whom some of them had invited into Zululand, did ask us to defend them. We undertook to negotiate with the new Republic, which had been recognized by the late Government, and a line of boundary has been settled. On February 8th, the Chiefs were informed by Mr. Osborn that British protection, carrying with it the supreme authority of Her Majesty's Government, was to be extended to Eastern Zululand. I telegraphed on February 12th for information as to the feeling of the Zulus, and received an answer on the 14th, giving Mr. Osborn's opinion that the majority of the Chiefs, including Umnyamana, would gladly accede, that the people would be specially glad of British rule, the only obstacle being the opposition of Ndabuko. Again, on the 15th, I received a telegram from Sir Arthur Havelock, stating that Mr. Osborn had just telegraphed to him that a favourable answer had been received from Dinizulu and Ndabuko, as well as the other Chiefs, with regard to the agreement. Then, and not till then, Her Majesty's Government approved of Mr. Osborn's action.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—FIREWORKS IN THE LONDON PARKS.

MR. JAMES STUART (Shoreditch, Hoxton) asked the Secretary of State for War, Whether his attention has been called to the following paragraph in *The Daily News* of 16th May:—

> "We understand that although the Government have obtained a grant of £17,000 for the fitting up of Westminster Abbey, the War Office Authorities have stopped the orders which had been given for a display of fireworks in the London Parks on the night of the Jubilee Celebration. Steps had been taken to provide such an entertainment for the public in Hyde, Regent's, Battersea, and Victoria Parks;"

whether it is true that the War Office Authorities had given orders to certain pyrotechnists for a display of fireworks to take place on the night of the Jubilee Celebration in Hyde, Regent's, Battersea, and Victoria Parks; to whom such orders were given; what were their pecuniary amounts; what was the reason for countermanding them; in what manner, whether by letter or otherwise, they were countermanded; and, what reasons for countermanding them have been assigned to the persons entrusted with the orders?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): Certain firms were consulted by the War Office relative to a display of fireworks in the Parks named, and were told to submit a programme. This step was taken in consequence of the near approach of the Jubilee, and the probable large demand for fireworks. Her Majesty's Government, however, having decided that there should be no display of fireworks in these Parks, these firms were informed by telegraph of that decision.

WAR OFFICE — THE REVIEW AT ALDERSHOT—ALLOWANCE TO THE YEOMANRY CAVALRY.

MR. HERMON-HODGE (Lancashire, Accrington) asked the Secretary of State for War, Whether it is the intention of Her Majesty's Government to grant any pay, or make any allowances to, members of the Yeomanry Cavalry attending the approaching Review at Aldershot?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): This matter has been very carefully considered; and it has been decided that it is not possible to give any extra allowance to regiments of Yeomanry Cavalry for attending the Royal Review at Aldershot.

LITERATURE, SCIENCE, AND ART (SCOTLAND)—THE VOTES.

MR. BUCHANAN (Edinburgh, W.) asked the Lord Advocate, Whether, considering the strong feeling evinced upon the subject in Scotland, he can inform the House what progress has been made in putting the Votes for scientific purposes in that country on a more satisfactory foundation, in accordance with the representations made by the Royal Society and other learned Bodies to the Secretary for Scotland in April last?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): This matter is engaging the attention of the Secretary for Scotland, who has laid it before the Lords of the Treasury, who have at present the subject under consideration.

PUBLIC MEETINGS (IRELAND) — SUPPRESSION OF PUBLIC MEETINGS IN ULSTER.

MR. DILLON (Mayo, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true, as stated in this morning's papers, that the Government have decided to proclaim an anti-coercion meeting announced to be held this week in the town of Dungannon, County Tyrone?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: I have had no information to that effect.

MR. DILLON: Will the right hon. and gallant Gentleman inquire?

COLONEL KING-HARMAN: Yes; I will inquire, and let the hon. Member know in the course of the evening.

MR. T. C. HARRINGTON (Dublin, Harbour): Perhaps some other Irish Officer in this House will give us some information on the subject. May I ask the Attorney General for Ireland if he knows anything about it?

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): No, Sir. A matter of that kind would not come under my notice.

MR. DILLON: The Question is, whether meetings in Ireland are to be proclaimed without the knowledge and consent of any responsible Minister sitting in this House? I want to know who is responsible?

MR. HOLMES: It is done, of course, under the direction of the Chief Secretary.

Several Nationalist MEMBERS: Where is he?

MR. DILLON: Let us know where the Chief Secretary is. We were informed last night—[*Cries of* "Move the adjournment!"] I do not desire to unduly take up the time of the House; but in view of what occurred last night, this is a curious illustration of the inconvenience of the obstruction offered to Irish Members. I merely wish to say, with the indulgence of the House, that I have asked this Question without Notice, because it is a matter of immediate and urgent importance. I am told that this meeting cannot be proclaimed without the consent of the Chief Secretary, and we were told last night that the Assistant Secretary answers with the fullest responsibility for the Chief Secretary. But now the right hon. and gallant Gentleman informs us that he knows nothing whatever about it, and I therefore want to find out in what way we are to get any information on the subject.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): My right hon. Friend has had no Notice of this Question, and my right hon. and learned Friend on my right (the Attorney General for Ireland) also had no Notice of the Question. If Notice had been given half-an-hour or so ago, an intimation would have been given to the hon. Member. I will take care, Sir, that in the course of the evening an answer is given.

[The CHIEF SECRETARY (Mr. A. J. Balfour) here entered the House.]

MR. DILLON: Perhaps the Chief Secretary would now be kind enough to answer the Question asked in his absence.

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): Perhaps the hon. Gentleman will give Notice of the Question.

MOTION.

JUBILEE SERVICE IN ST. MARGARET'S CHURCH.—RESOLUTION.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): Sir, I rise to move—

> "That, in celebration of the Fiftieth Year of Her Majesty's Reign, this House will attend at the Church of St. Margaret, Westminster, on Sunday next, the 22nd of May."

In making this Motion I do not propose to support it by any argument or by any statement of facts. If I were to attempt to do so I am conscious that I should weaken the sense of obligation and thankfulness under which, I believe, hon. Members in all parts of the House desire to take part in this religious service. On occasions like this silence is more eloquent than words; and I therefore submit the Motion, with confidence that it will be accepted with complete unanimity.

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I desire, Mr. Speaker, with perfect concurrence and pleasure, to second the Motion which has been made by the right hon. Gentleman. I agree with him that it requires no lengthened explanation; and I am satisfied that it will be received with general concurrence by the House, and will not lead to an expression of any difference of opinion.

Motion made, and Question proposed,

> "That, in celebration of the Fiftieth Year of Her Majesty's Reign, this House will attend at the Church of St. Margaret, Westminster, on Sunday next, the 22nd of May."—(*Mr. William Henry Smith.*)

MR. T. M. HEALY (Longford, N.): I wish to put a Question to you, Mr. Speaker, upon a point of Order. I wish to know, whether you can inform the House of the exact terms of the Motion made by the right hon. Gentleman the First Lord of the Treasury some time ago, giving preference to the Crimes Bill? Is it not the case that the Crimes Bill must be the First Order of the Day, if it is to obtain precedence on Tuesday? I am not in possession of the exact terms of the Order, and therefore I shall be glad if you will cause the Order itself to be read—I mean the Order which gives precedence to the Crimes Bill on Tuesday.

MR. SPEAKER: If the hon. and learned Gentleman will look at the Paper he will find that the First Order of the Day is the Criminal Law Amendment (Ireland) Bill. The Motion which the right hon. Gentleman has just made was put on the Paper in the place it occupies by my direction; because, in the first place, it affects the proceedings of the House, and it is for the general convenience of the House that the Motion should be made now. I am informed that more than 400 Members have signified their intention to be present.

MR. T. M. HEALY: As a Catholic, I, for one, have no objection to the Motion, and I have no doubt that it will meet with the concurrence of the House. I will only remark that in a House which contains so many Irish Members from Ireland, it is greatly to be deplored that the 50th year of Her Majesty's Reign should be signalized by the passing of a Jubilee Coercion Bill.

Question put, and *agreed to.*

Resolved, That, in celebration of the Fiftieth Year of Her Majesty's Reign, this House will attend at the Church of St. Margaret, Westminster, on Sunday next, the 22nd of May.

ORDERS OF THE DAY.

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. A. J. Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress* 13*th May.*]

[EIGHTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PRELIMINARY INQUIRY.

Clause 1 (Inquiry by order of Attorney General).

Amendment proposed,

In page 2, line 12, at end, add, ,, committed in a proclaimed district whether committed before or after the passing of this Act, provided that no inquiry shall be held under this section concerning any offence punishable under this Act committed in any district before the proclamation of such district, unless such offence would have been indictable if this Act had not passed."—(*Mr. Attorney General for Ireland.*)

Mr. T. M. Healy

Question proposed, "That those words be there added."

MR. T. M. HEALY (Longford, N.): This Amendment provides that offences to which the section applies committed in a proclaimed district, whether committed before or after the passing of this Act shall be the subject of inquiry provided that no inquiry has been held concerning an offence punishable under the section committed in any district before it was proclaimed, unless such offence would have been indictable if the Act had not been passed. Now, it seems to me that that provision is somewhat unintelligible unless it means that an inquiry is to be held into offences committed in a district, whether the district has been proclaimed or not. I wish to point out that the Government have had another Crimes Bill under which they were able to hold an inquiry into any offence committed previous to August, 1885, and I think it would be most unreasonable to make this preliminary inquiry apply to offences committed before that date. I will, therefore, move as an Amendment to add to the clause the words "unless such offence was committed since the expiry of the Prevention of Crimes Act, 1882."

Amendment proposed to the said proposed Amendment,

To add at end "and unless such offence was committed since the expiry of The Prevention of Crimes (Ireland) Act, 1882."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES (Dublin University): I have no objection to the words proposed by the hon. and learned Gentleman.

Question put, and *agreed to.*

Question, "That the Amendment, as amended, be added to the proposed Clause," put, and *agreed to.*

MR. HOLMES: I have now to move a further Amendment to provide that every summons shall be in the form contained in the Schedule, and that every warrant to commit a witness to prison for refusing to answer a question shall set out the question which the witness refused to answer.

Amendment proposed,

In page 2, line 12, at end, add, "(10.) Every summons under this section may be in the form in the Schedule to this Act, or to the like effect. Every warrant to commit a witness to prison for refusing to answer a question put to him on an examination held under this section shall set out the question which the witness refused to answer."—(*The Attorney General for Ireland.*)

Question proposed, "That those words be there added."

MR. T. M. HEALY (Longford, N.) The summons itself, I presume, may be susceptible of Amendment. In this proposal the form of the summons is in reality left in blank. May I ask if this is the proper moment to discuss the summons?

THE CHAIRMAN: No; the form of the summons will be discussed on the Schedule.

MR. T. M. HEALY: Then I wish the Government to take notice of the fact that I propose to move an Amendment in regard to the form of the summons when the Schedule is reached. I now come to the second portion of the Amendment which applies to the warrant. I presume that this Amendment has been put down by the Government in fulfilment of the pledge given by the Attorney General for Ireland to the Committee that the Court shall have full knowledge in dealing with a witness committed for contempt, for refusing to answer a question put to him, of what the question was which the witness refused to answer. As the law stands at present no warrant to commit a witness for contempt in refusing to answer a question gives the Court any power unless the question was a lawful one which the witness refused to answer. All the Court would do would be to receive a warrant regularly setting forth the question; but it would have no further power except to ascertain, in the first instance, that everything connected with the warrant was regular, and that the witness was not entitled to refuse to answer the question put to him on examination. The Government have rejected an Amendment to provide that the questions shall be lawful questions, and as the clause now stands there is nothing to restrict a magistrate from putting unlawful questions. For instance, a magistrate might ask a witness in an inquiry for wilful murder—"Was your child vaccinated?" and if the witness declined to answer, and was committed to prison, that question would appear on the face of the warrant. Of course, it would be open for the Court to say that it might afford some clue in regard to the murder whether the child had been vaccinated or not; but it is very like the old saying of the strawberry mark on the arm. I am of opinion that unless the Government will consent to add something to the words now proposed, the present Amendment will be entirely illusory.

MR. HOLMES: The object of the Amendment is to give the means of quashing an illegal order of commitment. I may point out that the law on the subject is that where the committal has been made by a Court of inferior jurisdiction, it is necessary to show on the face of the order what the ground of committal was. By the general law it will be requisite to show that a summons had been duly issued specifying the character of the crime and the ground upon which the witness had been sent to prison—namely, that he had declined to answer a question put to him. It was pointed out that, although the offence would be mentioned in the warrant, still the Court would hardly be in a position to judge whether the commitment was justifiable unless the question the witness had refused to answer appeared on the face of the warrant. Under those circumstances, I said that the Government had no objection to the question being set out, and if it should appear that there was no jurisdiction in the Court below to put the question, the warrant could be quashed. That is the intention of the Government, and in the Amendment on the Paper it is provided that the Court shall inquire whether the magistrate properly exercised his jurisdiction. If it can be shown that the magistrate exceeded his jurisdiction, then, of course, the warrant would be quashed, and the magistrate himself would be liable to an action. That would be the position of the magistrate; but, at the same time, it is desirable to place him in a position that will enable any complaint as regards what occurred on the inquiry to be considered by setting out what the question was which the witness refused to answer. We certainly cannot consent to throw upon the magistrate any greater responsibility on an inquiry under this section than would be entailed upon him in an ordinary inquiry.

Mr. CHANCE (Kilkenny, S.): I think the proposed Amendment is very objectionable in the form in which it stands. The Attorney General for Ireland says that the inferior Court must show that it had jurisdiction to put the question, and that if the warrant does not show that the magistrate had jurisdiction, the magistrate himself would be liable to an action. No doubt that would be so in an ordinary case, but in the case of a warrant of this kind no crime would be specified, and there would be no person accused. In the case of an ordinary warrant, there is a crime specified and a person accused, and the warrant stating the crime would afford the accused an opportunity of showing whether the magistrate had jurisdiction or not. In this case you have neither a crime specified nor an individual accused, and therefore the Court would have no means whatever of testing, on the face of the warrant, whether it had been issued within the jurisdiction of the magistrate or not. The first part of the Amendment states that—

> "Every summons under this section may be in the form in the Schedule to this Act, or to the like effect."

I cannot imagine how it is possible to use more objectionable words. As they stand, it would undoubtedly be held by the Court of Queen's Bench that the magistrate had power to commit a man under any warrant and under any form of summons. I will move the omission of the word "may" in the first line in order to substitute the word "shall."

Mr. HOLMES: I have no objection to the Amendment; but the one word involves the other.

Mr. CHANCE: If the right hon. and learned Gentleman will look at the Registration Acts, he will find that the word is "shall," and not "may."

Amendment to the said proposed Amendment, to omit the word "may," and insert the word "shall,"—(*Mr. Chance,*)—put, and *agreed* to.

Mr. T. M. HEALY: I had hoped to get from the Attorney General for Ireland some statement as to what he conceives to be the language of the Amendment. *Quo ad* the decision which was arrived at some days ago, in my opinion it is perfectly valueless, and does not advance the matter one jot. It does not provide or indicate that the Superior Court is to enter into the whole matter, but the law is left entirely as it stood. Is it intended that the Court of review shall have the shorthand writer's notes before it? Is there any objection to that?

Mr. HOLMES: I believe that in this Amendment I have given what I proposed to give, and all that I proposed to give.

Mr. CHANCE: This Amendment, if carried, will decide the question as to what is to appear on the face of the warrant. It has already been ruled that, as far as the form of summons is concerned, it shall be decided on the Schedule. Is it not desirable that the same course shall be taken in regard to the warrant—namely, that every warrant issued under the section shall be in the form contained in the Schedule? I think it would be for the convenience of the Committee if that course were adopted, and, therefore, I will move the omission of all the words after the words "Every summons under this section may be in the form in the Schedule of this Act, or to the like effect."

Amendment proposed to the said proposed Amendment,

> To omit the words "Every warrant to commit a witness to prison for refusing to answer a question put to him on an examination held under this section shall set out the question which the witness refused to answer."—(*Mr. Chance.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

Mr. HOLMES: The form of the warrant is given in the Petty Sessions Act to which reference has been made.

Mr. CHANCE: The warrant given in the Petty Sessions Act cannot possibly be used for this purpose, and for this reason, that the warrant in that case states the offence, it gives the names of persons, and a number of other things, which cannot possibly be stated in a warrant committing a man for refusing to answer a question in this preliminary inquiry. If such a form of warrant is used it will only involve trouble in future. How can you fill up a warrant stating specific names, when the very essence of the preliminary inquiry is to discover whether a crime has been committed, and who committed it? I think it is only reasonable that the question should be postponed until we reach the Schedule. We are making substantial progress with the clause, and we have every desire to assist the Government. Nothing could be more reasonable than to accept this simple Amendment, which only postpones the matter until the proper stage for entertaining it is reached.

MR. ANDERSON (Elgin and Nairn): I wish to point out to the Attorney General for Ireland that the Amendment, as it stands, is absurd, because it says that the warrant shall set out the question. The investigation may, however, involve a great number of questions—for instance, as to what the witness has been doing for several weeks. He may be asked—"Where were you on a particular day?" and he says—"I decline to answer." How could the Court judge, from that question, whether it was a question a witness was bound to answer under the Act? In the Court of Chancery, when a witness is asked a question, and refuses to answer, it is necessary to set forth the context of the examination, and unless this is done in this instance, it is impossible to determine whether the witness refused to answer a question which the magistrate was entitled to put. I am sure the Attorney General for Ireland will see the force of what I am pointing out. To give one question alone would, in many cases, be altogether absurd. I, therefore, hope that the Government will consent to the Amendment proposed by the hon. Member, and that the form of warrant shall be contained in the Schedule, and shall set forth what it was substantially that the witness refused to answer. It is quite evident that a certain portion of the examination must be set out, in order to show the relevancy of the question the witness refused to answer.

MR. BRADLAUGH (Northampton): While I am of opinion that the Attorney General for Ireland has met the promise he made the other day, and while I think the statement of the question would enable the person challenging it to raise the matter in another Court, I submit there is some slight inaccuracy in the view put forward by the right hon. and learned Gentleman, that it will be sufficient to adopt the form of warrant already set out in the Petty Sessions Act. I do not think that that form can be adopted here, and there must be a special form to meet the requirements of this measure. We are, therefore, only wasting time in discussing the matter. If we are going to provide that the form of summons is to be specified in the Schedule, I think it would be better to provide, also, that the warrant shall be set forth in the Schedule. A form of warrant used in other cases cannot apply literally to this clause.

MR. HOLMES: It would not apply literally, but if you give a new form of summons the warrant would follow that summons. This is the third time that this question has been discussed, and if it is now allowed to stand over until the Schedule is reached without taking a Division upon it, in all probability there will be a fourth discussion.

SIR WILLIAM HARCOURT (Derby): I am anxious to save the time of the Committee, and I will, therefore, ask the hon. Member, who moved the Amendment, if it is really necessary that he should press it. The Attorney General for Ireland, as I understand, has agreed that the warrant shall set out the question. I do not quite understand when the question is set out what the Court is to do; but I do not believe the Court would allow itself to be baffled when a question has been sent up to be dealt with; but that it would insist on having brought before it all the particulars affecting the question. It is quite evident that there must be a new form of warrant if a common form of warrant would not do; but I think that all these matters may be left over to a later stage, because any decision we may arrive at now would not conclude the matter at all. Hon. Gentlemen below the Gangway have already obtained a considerable concession in the fact that the warrant is to set out the question which the witness has refused to answer.

MR. CHANCE: I am willing to withdraw the Amendment providing it is perfectly understood that I shall not be precluded, at a later stage, from raising the form of the warrant which is to set out the question "the witness refused to answer." The form of warrant will be a very large question indeed, and must be discussed either on the Report or on some stage or other of the Bill. I think the Government would be well advised if they left it over for discussion until the Schedule is reached, rather than take it upon the Report stage, because upon the Report the matter would be more elaborately and more formally discussed. I think it would be for the convenience of the Committee that it should be raised on the Schedule. If, however, the Government do not choose to take that course, it is their own fault if further discussion arises.

Amendment to proposed Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY (Cork): The Amendment as it now stands provides that the warrant shall set forth the question which the witness has refused to answer; but there is nothing to compel the person drawing up the warrant to specify the offence in relation to which the witness has been committed. I would ask the Government to consent to add these words at the end, "and shall specify the offence in reference to which the inquiry has been held."

MR. HOLMES: A warrant of this character would not hold water for a moment, unless the offence is distinctly set forth.

MR. CHANCE: I would remind the Attorney General for Ireland that a warrant was issued under Forster's Act, which ran in this way—

> "To commit a man to gaol for having been reasonably suspected of having at some time or other, at some place or other, committed some offence against the peace of Her Majesty the Queen."

If we are to adopt the form of warrant used in the Petty Sessions Act I do not see how it can be made available, because it is not at all relevant to a case of preliminary inquiry. This, however, is a miserably small wrangle upon minor matters, and if the Government really want to act squarely, it would be easy to give an assurance on this small but very reasonable point, and not to prolong a discussion when we want to arrive at more substantial points.

Question put, and *agreed to.*

SIR WILLIAM HARCOURT: I beg to move to add in page 2, at the end the following Proviso:—

> "Provided that no examination under this section shall be held in respect of any matters relating to public meetings, or transaction relating to the letting, hiring, or occupation of land, or the dealing with, working for, or hiring of any person in the ordinary course of trade, business, or occupation."

In moving this Amendment it will be my object, although I feel that it is a difficult one, to keep clear of other parts of the Bill. I will try to do so as far as I possibly can. Everyone will perceive this, that this first clause includes all the offences under the Bill, and the question I desire to raise is that there should be certain things which may be created offences under the Bill which shall not come under the operation of this clause. A Division was taken the other night upon the Amendment of the hon. and learned Member for York (Mr. Lockwood), which specified certain offences to which alone the clause should be applicable—such as murder, arson, and so forth. The Committee decided against the Amendment, but the Amendment I now move has a different scope. It will be seen that it admits the application of the clause to all offences except those specified in the Amendment; but then those are offences which are within some of the clauses of the Bill, and to which, I venture to submit to the Committee, legislation of this kind should not be applied. The first observation I will make is, that the favourite argument that this was done in 1882 cannot be applied, at all events, to this argument, because the Bill of 1882 did not introduce as an offence the matter of conspiracy, such as is found in Clause 2, Sub-section 1, of this Bill; and, therefore, there is no question of making inquiry into questions of conspiracy. A similar clause in the Act of 1882 also excluded that part of this Bill which refers to public meetings. Therefore, it will be seen that there is no question of the application of the Act of 1882, either in regard to conspiracy or to matters relating to public meetings. In the provisions of the Criminal Code as introduced into the House by Sir John Holker, to which reference has frequently been made, it was distinctly admitted that these private inquiries were not to be of universal application, and that they were to be applied only to offences to which they might be considered appropriate. In the Code of 1882 there was an express exception of all offences except those in which a man might be arrested without a warrant, a term which indicated that, in regard to the classification of offences, there were certain offences which could only be dealt with by summons, and which would not be subject to a private inquiry of this kind. It would seem to be unwise and unjust to make inquiries of this kind extend to minor offences, and expose people to an investigation into all the circumstances of their social and private life. The popular representation of this Bill is that it is directed against crime, and, in the case of Scotland, which has been cited in justification of the measure, it is thoroughly understood that these inquiries must be directed against crime. Now, people understand by crime murder, arson, outrage, moonlighting, cattle maiming, and so on; and it is to such crimes that these inquiries may be properly applied. It is not necessary for my argument that I should enter into the discussion of this point at this moment. I admit that it is so, but that is not the point which I desire to raise. What I ask is, will the Government be content with that? If they be content to direct this inquiry against that which is popularly understood as crime, then they may get on very fast with their Bill. It is one of my principal objects to get at the mind of the Government on the subject—to know what are the purposes and what are the objects to which they intend to direct these powers; and I hope we shall have from them a frank and a clear statement on this subject, which may very much facilitate this discussion and considerably shorten our labours. If the Government say that they do not intend to apply this power to murder, outrage, moonlighting, cattle maiming, and so on, but that they mean it for something else, then I would ask what else? The Attorney General for England stated the other night that the Government mean to direct this power against Boycotting. Let us go a step further. What do they mean by "Boycotting?" Do they mean "intimidation?" There, again, I should not feel inclined to take issue with them, but do they mean by "Boycotting" combination? Again, I put the question pointedly to the Government, and I ask for an answer, and a plain answer, to it. Do they mean combination apart from intimidation —the intimidation which was dealt with in the Trades Unions Act of 1875, which contains a definition of intimidation. A second question I ask the Government is—Do they mean to apply these powers to combinations in reference to land, in reference to dealing, in reference to labour, and so forth, which have not been an element of intimidation? I am sure the Government will admit that we ought not to allow the Bill to be passed for one offence, and actually to be used for a purpose totally different. Therefore, we have a right to understand exactly, plainly, and clearly what it is the Bill is intended to be used for, To my mind, the expressions contained in the Bill are very suspicious. In the first sub-section of Clause 2 the conspiracies and combinations are set out, and they are kept altogether separate from violence and intimidation. The intimidation section is Sub-section 2; but the section which relates to conspiracy and combination is Sub-section 1, which has no reference in it to intimidation. I can, therefore, only conclude that the Government are directing this Bill against combinations which are not combinations of intimidation. Otherwise, why do they make that distinction? It is quite plain that under Sub-section 1 the Government may deal with combinations which are not combinations of intimidation at all. Combinations for purposes of Trades Unions have been declared by Act of Parliament to be lawful. It was found necessary by Statute to declare them lawful, because the Judges had declared them to be unlawful; and, therefore, the words which the right hon. and learned Attorney General for Ireland has put on the Paper to meet that objection—namely, "which would be punishable by law" —do not help the matter at all, because they simply throw the tenants of Ireland back into the position of workmen before the Act of 1875—that is to say, that they are subjected to the law affecting Common Law conspiracy without protection. To show what dangers people may be exposed to under Common Law conspiracy, I will simply quote a passage from a very high authority—a friend of mine, Mr. Wright, who is well-known to all lawyers, and whose book was of great assistance to us in the contest we engaged in some years ago in regard to Trades Unions. Those Trades Unions' discussions were founded upon the necessity of making clear, and, to some extent, overruling, the decisions of the Judges, and more especially the decision which had been given in the case of the gas-stokers. Mr. Wright says that in the old days it was a criminal offence to break a contract between master and servant, and this was laid down to be the law—that to break down a contract of that character was a criminal offence; but if there was not evidence of a conspiracy, it was not held that the breaking of a contract, or a combination to break a contract, was any offence at all. It cannot be maintained in law that a combination to break a contract is a criminal offence, and yet that seems to be what is indicated in the 1st subsection of the clause, where it says—

> "Any criminal conspiracy to compel or induce any person or persons not to fulfil his or their legal obligations."

What do the Government mean by that? Do they mean that if three persons agree together not to perform a contract that that is a criminal offence? I ask the right hon. and learned Attorney General for Ireland and the hon. and learned Attorney General for England to answer that question. No doubt the Judges, as Mr. Wright points out in his book, held that an agreement to break a contract was a criminal offence. That, however, was universally recognized to be wrong; and of the great objects of the Act of 1875 was to make it clear that no agreement, or combination to break a contract, was a criminal offence. I take it that the right hon. and learned Attorney General for Ireland will not deny for a moment that, under that Act, a combination not to keep a contract is not made an offence in the Criminal Law, and yet it seems that that is intended by the present Bill. It is a subject of which, I think, we ought to have a clear indication from the Government as to their view of the matter. We ought to be told by them do they, or do they not, hold that, apart from intimidation, an agreement to break a contract is a criminal offence. If that is so, it militates against the fundamental principle of law, which is this—that the Criminal Law is not to be brought in in aid of the enforcement of a civil contract. If it be true that a combination to break a contract is a criminal offence, then the person who enters into a marriage contract, and who is induced by his friends to break it off, instead of being liable in damages, may be liable to a criminal indictment for a conspiracy to break a contract. I ask the right hon. and learned Attorney General for Ireland whether, in order to enforce a contract of marriage, he proposes that it may be possible to indict persons for conspiracy to break that contract. I only wish to know where we stand, and what the view of the Government is upon that question. No doubt, in the old days the language of the Courts was extremely loose; and there is great danger here, because the Government are going, for the first time, to entrust the dealing with this question of conspiracy to the Resident Magistrates — men who are not necessarily learned in the principles of the law, and who may have a disposition to strain those principles of the law. If a man chooses to strain the law of conspiracy, there is nothing that he cannot do, and no person whom he cannot bring within the meshes of the law. In the case of Eccles, decided in 1783, it was laid down by Lord Mansfield that the illegal combination was the gist of the offence, so that if a person in possession of any article of trade may combine to sell it at a certain price, or not to sell it under a certain price, every person who combined in a strike of that kind could be indicted for conspiracy. That is the Common Law doctrine in regard to conspiracy—namely, that if three tradesmen or merchants agree together not to sell an article under a certain price, they are guilty of conspiracy. I see that the Attorney General for England smiles at that, but I will tell him that that was the doctrine which we found it necessary to legislate against in the Trades Unions Act. That is the Common Law doctrine of conspiracy; and, therefore, if any tradesman combines with another set of tradesmen to obtain a certain price for certain articles, he is guilty of a criminal offence; and every labourer who combines in a strike subjects himself to an indictment. During a great part of the present century men have been frequently sent to prison for such combinations without having resorted to any intimidation at all. Parliament felt the extreme danger and injustice of such a state of the law, and in the Bill which was brought in by Sir Richard Cross they overruled that doctrine, and gave the people security against it. I had the honour of taking part, with my right hon. and learned Friend the Member for Bury (Sir Henry James), in the discussions which resulted in that Bill being brought in. The question which I have now to ask the Government is this—Will you give to the tenants of Ireland the same protection which Parliament has given to the labourers of England by the Trades Unions Act? Apart from intimidation under the Trades Unions Act a combination is lawful, and cannot be dealt with as a criminal offence by any Judge or any magistrate in England. Do you propose to make the law in Ireland the same as in England, and, if not, will you give some reason for not doing so? In England the feeling of the Judges was—and no doubt they were perfectly honest in expressing that feeling—that combinations of this kind were unlawful, but all that was altered by the Trades Unions Act of 1875. Will the Government place the Irish tenants in the same position with reference to their combinations? Will they declare that every combination of the tenants of Ireland with reference to the tenure of land, so far as it may affect the interest of the landlord class, is lawful, and ought not to be dealt with as an offence? If the Government will not do that, they must give some reason for their refusal. I ask no more than that the Government shall make it perfectly clear, beyond any possibility of contradiction, that the right of combination of tenants in Ireland with respect to land, which is their industry, shall be placed upon exactly the same footing as the combination of labourers in England with regard to their wages.

The CHAIRMAN: I am extremely reluctant to interfere with the argument of the right hon. Gentleman; but I must point out that the whole of his argument, so far, has been directed towards an Amendment to the first sub-section of Clause 2, and is not strictly relevant here. The argument here ought to be of this character—although certain transactions may be made punishable, they ought not to be examinable. The argument of the right hon. Gentleman is that they ought not to be punishable, and that contention should be raised on the first sub-section of Clause 2. I do not know whether it is convenient to the Committee that the discussion should proceed now. Although it may be irregular, that may no doubt be done by an understanding being come to by the Comimttee.

Sir WILLIAM HARCOURT: I recognize the pertinence of the observations that have fallen from the Chair. I commenced my argument by saying how difficult I should find it to separate the two cases, because I felt how closely interlaced they are one with the other. It is extremely difficult to discuss them separately, because it is necessary to consider how this power of inquiry into a particular matter really involves the matter itself.

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): Do I understand the right hon. Gentleman to say on behalf of his Friends that they mean to take the discussion now, and not on Clause 2? ["No, no!"]

Sir WILLIAM HARCOURT: No; I do not say that. The discussion on Clause 2 will be taken when that clause is reached. It is impossible for me to give a pledge of that kind. One of the arguments used for applying this Bill against combinations is that they fear the character of coercion. Well, but what do you mean by coercion? Every strike is a coercion, in its very nature. As Mr. Wright says—"The very meaning of a strike is a combination to cause a master or workman to act in his business or employment in a manner in which he does not wish to act, *i.e.*, to coerce him." Therefore every strike is coercion; every combination is coercion. Every combination is, of course, an injury to the person against whom it is meant. If a dozen men say they will not work at less wages than a particular figure, that is an injury to the employer who, if he could take each man separately, might get his work performed at a lower rate. Therefore all these combinations are of the nature of coercion, and are to be put down *per fas et nefas.* It depends upon the heinousness of the offence whether we are to put it down by extraordinary methods. This is an extraordinary method. Nobody doubts that. The question is to what offences is the remedy to be applied, and I say that it is not to be applied to offences of this character, and if the Government endeavour to justify its application to a combination of this kind, because they say it partakes of the character of coercion, then I say that that is an argument which will apply equally to a strike, because a strike is necessary in the character of coercion. Therefore I say that you ought not to apply limits of this kind merely for the purpose of maintaining civil contracts. You are not to do it by imposing this form of punishment, and here I will point out that this is a preliminary question to the question of punishment. It is not as if there were proof that anybody had committed an offence that a magistrate might surmise that there had been a combination of which there was no evidence, except what he was going to obtain by the mere force of this examination. There is nothing until the examination commences in the shape of a *corpus delicti* at all. The magistrate may get hold of all kinds of persons, and may inquire into their habits of life and all their business transactions in order, if possible, to discover a combination which, when he has discovered it, he might convert it into a crime. That is the real operation of this clause. I do not charge the Government with intending it, but I point out that this is what may happen, and what I ask from them is a distinct disclaimer, and a Parliamentary security that this shall not be the result of the present legislation. The question which I want particularly to ask is this. If there were a Land Trades Union—I will give it that name—if there were a land Trades Union in Ireland in every respect upon the lines and the principles and the details of a labour Trades Union in England, and if it were applied to the tenure of land in Ireland, do the Government intend to apply this private inquiry to such Trades Unions? If you do, tell me why you draw a distinction between a land Trades Union and a labour Trades Union. I put this hypothesis that the tenants of Ireland may constitute themselves a Trades Union, and call themselves a Land League or a National League or anything else; but, as a matter of fact, they are only a land Trades Union, and if they proceed by combination among themselves to deal with the tenure of land in particular districts, or even throughout the whole of Ireland just as Trades Unions do in England, do you mean to apply this investigation to such Trades Unions in the hope of discovering in their transactions something which may make their combination criminal? That is the definite question which we ought to consider. It would appear that it is absolutely necessary that combinations of this kind should be entered into. We have before us the fact, that last February rents which had been imposed of £7,550 a-year, had been fixed by the Land Court at £5,664, showing a reduction of more than 30 per cent. More than that, there are a great number of tenants who cannot go into the Court now because their rent has been adjudicated upon; therefore they are unable to defend themselves. They can only defend themselves by means of combination. Combination is their only defence, and the question is—How are you going to deal with those combinations? Are you going to root them out by the help of these private inquiries under Clause 1? Are you going to set to work under that clause by putting every man under examination to see whether he is in a combination or whether he intends to join one, because the words of the clause are—

> "Any person who, by words or acts shall incite, solicit, encourage, or persuade any other person to commit any of the offences hereinbefore mentioned."

Is a person who advises a combination in reference to the land, presumably examinable in a private inquiry under Section 1? I remember that when my right hon. and learned Friend the Member for Bury (Sir Henry James) and myself were working together in regard to the law of Trades Unions in England, my right hon. and learned Friend said the complaint of the working man was that the law of conspiracy pressed with peculiar irritation, by reason of its uncertainty. He said that that was the law laid down by the Judges, and he maintained that in punishing what the law called conspiracy we were punishing what the working man called combination. Apply that sentence to this case, and apply it to Section 2 of the Bill—that in punishing what the Act calls conspiracy, we are punishing what the tenants in Ireland calls combination. My right hon. and learned Friend added these words—

> "They are bound to combine; and experience shows that without combination, all attempts to improve their situation is hopeless."

Is not that true of the present situation? Let us know whether this Bill is directed against combination. Let us know how far it is to go against combination, and if you strip it of the element of intimidation, do you mean to act against it preliminarily by the private inquiry and subsequently by imprisonment? I have said all that I need say in respect to the land; but the section goes much further. It deals with persons working for, or hiring any persons in the ordinary course of trade, business, or occupation. Consequently you may inquire into the reason why any man does not deal with a particular tradesman. The magistrate may send for him and say—"Why don't you deal with so-and-so." Why am I to answer such a question—a question which may be put to me, in order to extract from the answer some proof that I may have combined with other people not to deal with a particular individual? I very much doubt whether, if you invoke the old Common Law doctrine, you can establish that that is a conspiracy. Are you to proceed against half-a-dozen people who say they will not deal with a certain publican because they object to the character of his house. Is a combination of that kind a conspiracy? Or take the case of an ordinary grocer. I only want to ascertain what the doctrine is which the Government hold on the subject, and how they are going to deal with it. The words of the clause are "hiring any person or persons in the ordinary course of trade, business, or occupation." Surely that would strike everybody who comes within the definition of the Trades Unions Act? The Bill recapitulates the old law before the Trades Unions Act was passed, and converts these acts into a conspiracy. In fact, the Bill is a frightful extension of the Criminal Law, and it gives a frightful extension to the inquisitorial preliminary inquiry, because even if you admit that the combination itself is punishable, you are not going to apply this inquiry to people who have been proved guilty of combination, but to order an inquiry in order to ascertain whether there has been a combination or not. I want to know who, under such an Act, would be safe? The Attorney General for Ireland himself might be had up and asked as to his dealings with others, who he works for, and by whom he is paid? All these investigations may be applied to one man as well as another, and rigidly applied, would make social life intolerable. These are things which I maintain you ought to leave to the Civil Law. I know that it is said the essence of the offence lies in the combination; but if there is a thing which it is lawful for one man to do, why should it not be lawful for two men, or three, or any number of men to do the same thing together, unless they use intimidation, which the law very wisely provided for in the Act of 1875? I sincerely hope that we are not going to introduce, for the first time, a doctrine of conspiracy, which, as far as the action of Parliament is concerned, has never been introduced before, and which in itself is unfair and unjust. I am sorry to say that recently the Irish Judges, in regard to the doctrine of conspiracy, have gone far beyond what has ever been held before even in the most extreme cases. That is a fact which ought to make us still more careful. We found it necessary in England to legislate against the doctrine laid down by such an eminent Judge as the present Master of the Rolls—Lord Esher—then Mr. Justice Brett—in the case of the gas stokers. There would be infinite danger in leaving the matter loose and at large in Ireland, especially in the present social condition of Ireland. I strongly protest against the inquisitorial power conferred upon the Resident Magistrates under this clause of the Bill. You may justify it, as it was justified in 1882, if you have the same justification—namely, that there is a dangerous prevalence of secret societies in Ireland, as was mentioned in the Preamble of the Act of 1882. I will admit, for the sake of argument, that you may use this power as it was proposed to be used in the Act of 1882 in regard to what is ordinarily understood by the word crime, but not for the purpose of dealing with combinations which, in my opinion, are perfectly legitimate. There is now only one other point to which I wish to refer—the question of public meetings. I hope, when we come to the clause of the Bill dealing with that question, we shall press the Government. If they want to make use of the Whiteboy Acts, they ought to put into the Bill an abstract of the clauses of those Acts which they desire to incorporate with the Bill. In criminal legislation it is especially necessary to be precise, and it would be easy to condense into a short clause such provisions of the Whiteboy Acts as the Government mean to use. They have given a number of fragmentary clauses of which it is extremely difficult to make head or tail. This, at least, is clear—that by virtue of those Acts and the Bill, if any persons assemble by day or night to the "terror of Her Majesty's subjects," by the decision of the magistrate it is an offence. It is quite true that the Act says "to the terror of Her Majesty's subjects," and that no persons ought to meet to the terror of Her Majesty's subjects. Who is to define what constituted such terror? What do the Government mean? I will tell you what a Tory Government of former days decided in the case of the Peterloo riots. Those riots arose out of the meetings called for the reform of Parliament. The military fired on the mob, and the question arose whether the meeting was an illegal one. Two great legal authorities—Lord Eldon and Lord Redesdale—gave their opinion in favour of the Government—that it was an illegal meeting. We shall find here what was then held to be an illegal meeting "to the terror of Her Majesty's subjects." Lord Eldon said that when he read the law books he found that numbers constituted force, force terror, and terror illegality; and, under those circumstances, he said he could not deny that the Manchester meeting was an illegal meeting. Look at the process of reasoning; numbers constitute force, force terror, and terror illegality; and, therefore, that meeting, without having been proclaimed, was illegal. Consequently, a numerous meeting is necessarily a terror to Her Majesty's subjects. I will ask the right hon. and learned Attorney General for Ireland if he accepts that as the doctrine in reference to illegal meetings in Ireland? Lord Redesdale went even further. He said that every meeting for Radical reform was not only a seditious attempt to undermine the existing Constitutional Government by bringing it into hatred and contempt, but was an overt act of treasonable conspiracy against that Constitutional Government, which the King, as its head, was bound by his Coronation Oath to maintain. Therefore, as a meeting that is numerous is an illegal meeting according to Lord Eldon, a meeting for reform is a treasonable conspiracy according to Lord Redesdale. There is nothing to prevent a Resident Magistrate from holding the same doctrines as Lord Eldon and Lord Redesdale; therefore, if a meeting is numerous, the numbers inspire terror, and a meeting in favour of Home Rule is, of course, a treasonable conspiracy. I want to know if these doctrines are to be left to the Resident Magistrates to determine so far as the application of the Whiteboy Acts is concerned. Not merely anybody who goes to a meeting, but anyone who gives notice of a meeting or publishes it, or even has it in contemplation to do so, may be secretly interrogated by a magistrate, and if the magistrate does not approve the objects of the meeting, it may be forbidden, and even imprisonment may be inflicted. But there is a much more serious power which comes up under Clauses 6 and 7. Clause 6 provides that—

> "If the Lord Lieutenant is satisfied that any association formed for the commission of crimes, or carrying on operations by the commission of crimes, or encouraging or aiding persons to commit crimes, or promoting or inciting to acts of violence or intimidation, or interfering with the administrution of the law, or disturbing the maintenance of law and order,"

he shall have power to proclaim it. That sounds all right, but if hon. Members will look at the bottom of the clause they will find that the expression "crime" means any offence punishable under the Act. Therefore, it is not even the Resident Magistrate, but if the Lord Lieutenant is of opinion that any association is a criminal conspiracy under the section, or a combination of which he does not approve, he may without any judicial decision, or even the form of application to a Resident Magistrate, by his mere *ipse dixit*, make it criminal, and everybody who has had anything to do with it may be sent to prison summarily on his declaration. Any half-dozen people selected by the Lord Lieutenant may be declared to be an association of this character. By Clause 7 the term "association" is made to include any combination of persons, whether the same be known by any distinctive name or not. Therefore, any combination in reference to land proposing to hold a meeting will be at the mercy of the Lord Lieutenant, who may deal with it without any preliminary inquiry whatever, or any legal discussion. It is converted into an illegal meeting *ipso facto*, and all persons belonging to it may be sent to prison. At this early stage, I think we have a right to know to what purposes the Government mean to apply these clauses, and whether or not they really intend to do that which appears, on the face of the words of the Bill, to be the purpose of it. I hope, and fully expect, to receive a disclaimer from the Government that they intend to do anything of the kind. If they have no such intention, I trust they will accept my Amendment, so as to prevent the possibility of the Bill being applied to such purposes.

Amendment proposed,

In page 2, at end, add—"Provided that no examination under this section shall be held in respect of any matters relating to public meetings, or transaction relating to the letting, hiring, or occupation of land, or the dealing with, working for, or hiring of any persons in the ordinary course of trade, business or occupation."—(*Sir William Harcourt.*)

Question proposed, "That those words be there added."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I must protest, although in no hostile or controversial spirit, against the course taken by the right hon. Gentleman, who has delivered a long, elaborate, and able speech, but a speech which would certainly have been more appropriate at a later part of the Bill. I have no doubt the same arguments would be repeated hereafter, either by the right hon. Gentleman himself or some of those who sit near him, with not less detail or elaboration. The result will probably be that what might have been dismissed at one sitting will now be extended over two or three. If the arguments which the right hon. Gentleman has addressed to the Committee are of such a kind as to convince the Committee that the offences dealt with in the later clauses ought not to be included in the Bill, then *ipso facto*, by the very action of the Committee, they will cease to be the subjects of a private inquiry under this section. Therefore, it would have been more for the convenience of the Committee that the discussion should be taken upon the question whether certain offences are to be punished summarily or not, and act upon the subsidiary question whether there should be a private inquiry into them. I have said that the speech of the right hon. Gentleman was very long and elaborate. There was, however, one remarkable omission in it, and that was that he never once alluded to his own Amendment. I do not know whether the right hon. Gentleman is responsible for the drafting of the Amendment. It seems to me that it is couched in terms so vague, so wide, and obscure that I have not been able, even with legal assistance, to find out what its operation really would be. Look at the wording of the Amendment. It says—

"No examination under this section shall be held in respect of any matters relating to public meetings."

As I understand, the result would be that if a murder happened to be committed at a public meeting no examination should take place into any of the circumstances connected with it under the first section. Then the Amendment goes on to say, that no inquiry shall be held into any

"transaction relating to the letting, hiring, or occupation of land, or the dealing with, working for, or hiring of any persons in the ordinary course of trade, business, or occupation."

That seems to me to exclude all agrarian offences whatever. Take the case of the murdered man Murphy as an example. I do not suppose that that is the object of the right hon. Gentleman, but it is the effect of the clause. The murder of the man Murphy undoubtedly was connected with the letting, or hiring, or occupation of land. If the clause were adopted textually it would certainly preclude examination into cases like that of the murder of Murphy. I do not think it necessary to spend a longer time over this Amendment, considering that the right hon. Gentleman never referred to it once in the course of his speech. Therefore, in the few remarks I propose to make, I shall confine myself to the remarks the right hon. Gentleman has made to the Committee. But the right hon. Gentleman asked two or three categorical questions with regard to the interpretation we put upon the clause and the combinations we wish to punish under it. I am not going to follow the right hon. Gentleman into his learned disquisition upon the law of conspiracy. The conspiracy the Government mean to punish under this Bill, and mean to inquire into under this clause, is sufficiently defined either in the body of the Bill itself or by the Amendments the Government have put upon the Paper. The Government have made it, I hope, perfectly clear that, while they make no attempt, and mean to make no attempt, to modify the law of conspiracy, they mean to confine the operation of the Bill strictly to conspiracies which, by the law as it at present stands, are criminal and indictable conspiracies. We consider that to be a sufficient limitation. Then, says the right hon. Gentleman, it was found necessary in 1875 to alter the law of criminal conspiracy with regard to workmen, and ought we not to extend to the tenants of Ireland, if they combine with regard to rent, the same protection which is extended to the workmen of England when they combine in trade disputes and in the matter of wages? The right hon. Gentleman must be perfectly aware that the law of conspiracy as it regards wages has a special history of its own entirely distinct from the law of conspiracy as regards such matters as the letting and hiring of land. Every lawyer in the House will be perfectly aware that according to the doctrine universally prevalent in this country a number of years ago, it was a grave public danger that there should be any combination at all with regard to the rates of wages. The Courts of Law and statesmen looked in the most jealous manner upon any attempt on the part of workmen to deal with these matters; and, therefore, it was that as the Common Law relating to criminal conspiracy was regarded as extremely harsh, onerous, and unjust, it did well to limit and alter it in 1875. But there has never been any similar application of the law of conspiracy in the matter of the letting and hiring of land. The right hon. Gentleman has allowed his imagination to wander at large and to conceive all manner of cases in which the tenants might combine to alter rent. He has invented cases of conspiracy which no lawyer would admit to be cases of criminal conspiracy under the existing law. The right hon. Gentleman mentioned the case of three tenants agreeing together to try to induce a landlord to let land to them at 15*s.* instead of £1 per acre. He said that under the existing law that would be a criminal and indictable conspiracy, and that therefore it would be punishable summarily under the Bill we have drafted. It would be nothing of the kind. It would not be criminal conspiracy, and it would not be indictable conspiracy, nor would any Judge ever decide that it was. The right hon. Gentleman went on to say that the law of conspiracy is an obscure law. It is said that it is a difficult law, which is capable of dangerous extension, and that we are leaving its administration to men who are not learned in the law —namely, the Resident Magistrates. But the right hon. Gentleman forgot to say that the Resident Magistrate's decision is not final.

Mr. T. M. HEALY (Longford, N.): He may give two months' imprisonment.

Mr. A. J. BALFOUR: I do not complain of the interruption. The hon. and learned Member is quite correct in saying, that under the Bill, as we have drafted it, we may have followed too closely the Act of 1882, and that by the existing law of Ireland there is no appeal if the imprisonment is for less than a month. But we propose to give an appeal in every case.

Mr. T. M. HEALY: With no accumulative sentences?

Mr. A. J. BALFOUR: There will be an appeal in every case to a County Court Judge, and if, on legal technicalities, the County Court Judge is objected to, the Government will be prepared to consider a plan for giving an appeal in cases in which a legal difficulty may be involved to a still higher tribunal. Therefore, no weight is to be attached to the argument of the right hon. Gentleman, that those who will have to administer the law in the first instance will not be trained and competent lawyers. The right hon. Gentleman says —"Restrict the Bill to those offences against which it is popularly supposed to be directed, and we will allow you to pass it." He says that it is popularly supposed to be directed against crime. The special offence which the right hon. Gentleman desires to exclude by that limitation is, as I understand, the offence of Boycotting.

Sir WILLIAM HARCOURT: I beg the right hon. Gentleman's pardon. What I said was combinations in which there was no intimidation.

Mr. A. J. BALFOUR: I am not going on this stage of the Bill to enter into a definition of the word "Boycotting;" but if the right hon. Gentleman supposes, for one moment, that the people of this country imagine that this Bill is not directed, among other things, against the offence of conspiracy to Boycott, I can assure the right hon. Gentleman that he is very much mistaken. I believe there is nothing going on in Ireland at this moment which causes more universal horror and disgust in this country than this widespread practice of Boycotting. [An hon. MEMBER: And the operations of the Primrose League.] I should not think the Bill worth going on with if the Committee were to compel us to exclude from its operation the offence of conspiracy to Boycott. To return for a moment to the clause under discussion, which the right hon. Gentleman left so very wide. We are of opinion that every offence which is worth punishing under the Bill is an offence worth inquiring into under this clause. To that broad principle we mean to adhere. It will rest with the Committee to decide what the offences should be; but decision must be made, not upon this clause, but upon the later clauses of the Bill. I will conclude by saying, that although the right hon. Gentleman holds out to us the hope that if we are ready to make the large concession that is asked for, and which, it is understood, that the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) supports, and which the right hon. Gentleman indicated in a speech recently delivered, we shall get rid of our principal difficulty in passing the Bill, all I have to say is, that the Government are distinctly of opinion that that which they are not prepared to yield to argument they are not prepared to yield to Obstruction.

MR. DILLON (Mayo, E.): In my opinion, this is one of the most important Amendments which have yet been moved. The right hon. Gentleman the Chief Secretary for Ireland, just before he sat down, remarked that any offence which is worth prosecuting under this measure is worth inquiring into under this clause. Now, Sir, that leads me to ask this question—What is the object of the clause at all? What is the justification the Government put forward for retaining it? There is no question here of the failure of juries. The clause has nothing to say to juries, whether juries do their duty or not. The ground upon which the clause is justified is simply the difficulty which is alleged to exist in Ireland of obtaining evidence, and of bringing offenders to justice, or rather of making them amenable—to use a technical expression contained in the clause. I think it will be admitted by every Member of the Committee that we should closely watch a Bill of this kind, and that we should put no power into the hands of the Executive, in regard to a necessity for which they have not made out a strong and complete case. Let me admit, for the sake of argument, that there are cases in which there is a difficulty of obtaining evidence, and a difficulty in making a person amenable for the offence he may have committed. Can anyone say that that applies to offences in the nature of combination — combination such as I have myself been engaged in? In such combinations there is not the smallest difficulty in obtaining evidence, or in making persons amenable. Look at what occurred in Ireland during the last winter. Combinations which we desire to exempt from these preliminary inquiries were well known to exist in the country, and that the Government desired to make us amenable to the law. Had they the smallest scrap of difficulty in obtaining evidence, evidence as to all our proceedings, and in making us amenable to justice? Nothing of the sort, and the Judges who tried the case stated that that there was not only evidence, but a superabundance of evidence as to the whole nature of the conspiracy in which we had entered. It was the jury who failed to see that there was any evidence of conspiracy at all. Therefore, in combinations of this character, there is no difficulty in getting all the evidence you desire to have; no difficulty whatever in bringing that evidence before the jury; no difficulty in making people amenable; but the difficulty consists in convicting the prisoner. Therefore, I say, with regard to these combinations, leaving out of the question transactions connected with public meetings, there is not a shadow of excuse for including them in this preliminary inquiry, even if a case should be made out for punishment under the Bill. Therefore, I think I have given an unanswerable reply to the contention of the Chief

Secretary for Ireland, who said that, in the opinion of the Government, any offence that is worth punishing under this Bill is worth inquiring into under this section. I think I have shown that the offences which the Government consider to be worthy of punishment under this Bill are plain and manifest offences, and that there is no necessity for inquiring into them under this section, inasmuch as they are done in the open light of day with abundant evidence of what has been done. That is one strong reason which induces me not to accept the clause of the Government. The right hon. Gentleman the Chief Secretary for Ireland, in the opening portion of his speech, criticized the drafting of the Amendment at considerable length. I think that is a very poor way of conducting a debate of this character. The truth is, and this is the real point at issue—if the Government are prepared to grant any concession, the right hon. Gentleman should have pointed out the terms on which the Government are willing to consent to an Amendment which may meet the difficulties we find to exist in this clause. The right hon. Gentleman characterized this as a subsidiary and an unimportant question. Now, I do not think that it is either subsidiary or unimportant. I have held from the very outset, as I hold still, that this clause places in the hands of the Executive powers of the most oppressive character if they choose to abuse them. And the matter largely turns on the question whether the Executive Government of Ireland will abuse these powers, or whether they will not? If the Executive Government intend to abuse the powers conferred upon them in this section, I do not believe it is possible to conceive any more intolerable oppression than may be put in force under the clause. I believe that this is one of the things the Government will do, when they secure the passing of the Bill. Under this section, they will be empowered to make inquiry in any district in Ireland, whether there has been a combination under the Plan of Campaign, or whether a combination against the payment of excessive rents exists. They will be able to summon every man in the district before a secret inquiry who is suspected of holding Nationalist opinions, or of sympathizing with the views of the Nationalists; and if no limit is put to the questions which may be asked, there cannot be the slightest doubt that they can so frame their questions, and still keep them legal, as to enable them, under this clause, and under the pretext of inquiry, to enter into matters with regard to which there is not the smallest necessity for inquiring into, because they will be matters of public notoriety, and they will then be able to imprison every man who is considered by the Government to be an obnoxious and a dangerous character in a particular district. We have seen persons sent to prison in open day for refusing to answer questions put to them with a political bias; and powers of this kind will be used to imprison and remove persons who are obnoxious and troublesome to the Government. We are not concerned, in opposing the power of the Government, to inquire into Moonlighting offences and other offences of that nature; but what we are afraid of is that they will be required by the pressure of their supporters in Ireland to carry out an investigation in connection with the estates of every landlord in Ireland who is undergoing the Plan of Campaign, or who is in fear of the Plan of Campaign. Any landlord, whose tenants do not pay their rents satisfactorily, will swear that there exists a combination on his estate, and that that combination has been brought about with the intention of lowering rents. An investigation will then be ordered, and when that investigation is ordered, what will be done? The local leaders of the Nationalist Party will be summoned to give evidence. They will not be inclined to give evidence if they are respectable men, and even those who may feel inclined to do so, will not dare to do so, because we know what a man would feel if he were placed under the stigma of being called an informer in Ireland. Therefore, these unfortunate men, no matter how respectable their position, and however free from crime they may be, will be placed in this cruel position —they will be called up before a bogus secret investigation to give evidence as to some alleged conspiracy. They will be asked to give evidence which, in their minds and in the consciences of their fellows around them, bears upon the private concerns of their neighbours. They will refuse to give that information, and they will be thrust into gaol and kept there for a month, or two months, according to the nature of the warrant, without security that when they are released they will not have to undergo the same ordeal again. The Government say that the Amendment of the right hon. Gentleman will include agrarian crimes. That is not the intention of the Amendment, whatever its words may be. The intention is that this system of oppression—and I am confident that it will be in full swing in the course of a month or two after the Act has passed—shall not be possible. They say that we must trust in a matter of this kind to the Government that the Act shall not be abused. Now, I am not inclined to trust to any Government, either Liberal or Conservative; but I agree with Sir George Trevelyan that, from the very nature of the case, we are bound to distrust a Tory more than a Liberal Government, because in Ireland a Tory Government will consist of the landlords and their agents and supporters. Therefore they will be bound to strain the powers conferred on them in the interest of the only supporters they have in Ireland. With this foreknowledge, we are entitled to assume that the clause will be strained, and that the most oppressive use will be made of it against the tenants and in favour of the landlords. The Government say that they want to inquire into conspiracies, and the Chief Secretary for Ireland gives us an assurance that they have put certain Amendments in the Bill which will prevent anything being treated as a criminal conspiracy under the Act, which was not an indictable offence before the Act passed. That is a very comforting assurance, or, at any rate, it may be to the Government; but we who have gone through the mill in Ireland, and have had some experience in matters of this kind, know very well what amount of protection it will afford us. Lord Fitzgerald has laid down what the Law of Conspiracy is in the case of the "Queen *v.* Parnell." Lord Fitzgerald's judgment in laying down the Law of Conspiracy as far as Ireland is concerned, and I suppose it is the same in England, is now quoted by all Judges of any authority in Ireland. He has declared, in the clearest and most unmistakable language, that a combination of tenants in Ireland formed for the purpose of lowering rents, or for holding rents, is a criminal conspiracy in Common Law, and an indictable offence. He used these words—

> "For a single tenant to withhold his rent and break his contract with a view of coercing his landlord to lower the rent is no offence at all; but for two or three tenants to agree together for the same purpose and for the same object is an indictable offence in the Criminal Law."

Then what comfort is it to be told by the Government that they are not going to use this law in order to secure a conviction for a conspiracy which is not an offence against the Criminal Law already? Let me take my own case. I have never been out of a criminal conspiracy since the year 1879. The Judges in Ireland clearly laid that down on the two occasions on which I stood my trial. Then, how was it I escaped, seeing that I had broken the law? Why, everybody knew that I had done so. I have spent all my life advising the tenants of Ireland not to do certain things, and the reason I escaped was that the Government were not able to get a jury in Ireland to agree to find me a criminal under the Common Law. If the Irish people had the power, they would give the same protection to the tenant farmers of Ireland as is now enjoyed by the labouring men of England, and the Law of Conspiracy would be checked by Statute. This Bill is a Bill to deprive us of the protection of juries, and for the Chief Secretary for Ireland to say that nothing will be held a conspiracy or an indictable offence except what is now a conspiracy in Common Law, is really a most contemptible way of dealing with the matter. Supposing an investigation is ordered in Ireland in regard to some particular estate, in regard to which there has been trouble. Take, for instance, Mr. Shirley's estate in Monaghan. If the provisions of this Bill were enforced, Mr. Shirley's agent is the man who would swear the information upon which the secret investigation would be ordered, and every single individual who has taken a leading part in encouraging the tenants would be directed to give evidence, and would probably be put in gaol. The confederacies of tenants are not the only confederacies which exist in Ireland. We have, also, in Ireland a great number of landlord confederacies, and I fail to see why it should be held to be criminal and punishable by law, and why investigations are to be conducted into confederacies to lower the rent, when it is admitted on all hands that the rent is too high, while the confederacies of landlords, who conduct their operations much more secretly than we do, and who do not publish their proceedings in the newspapers, are to be allowed to continue unchecked. If the Chief Secretary for Ireland institutes proceedings against our combinations in Ireland, will he order investigations into similar combinations on the part of landlord confederacies and emergency men, with the view of meting out the same justice to them? [Mr. A. J. BALFOUR: I will.] I understand the Chief Secretary to say that he will deal out the same justice to the landlords as to the tenants; but I will tell him that, strong a man as he is, he dare not, and he will not do it, because, if he attempted to do it, he would be hunted out of Ireland by the Irish landlords. The right hon. Gentleman does not know Ireland well enough yet to be aware how any interference with the projects of the Irish landlords would raise a hornet's nest about his ears. Notwithstanding the promise which the Chief Secretary is inclined to give, I know that these inquiries into confederacies will be entirely one-sided, and that while the combinations of the tenants will be put down, those of the landlords will be left absolutely free. The Chief Secretary for Ireland has not attempted to give a solitary reason why he objects to make this exemption under the clause. I have shown that there is no necessity whatever for including these things. If these combinations are punishable and ought to be put down, there is no necessity for this preliminary investigation. The combinations are openly conducted, and those who are concerned in them can always be got at. I have shown, I think, that the Bill will place a power in the hands of the Executive which will be unfairly used. Our past experience affords us no security that a power of this kind will not be unfairly used, and I ask the Government to state a reason why they should not except combinations, where no crime is shown to exist, from an inquiry which even they themselves must confess to be uncalled-for and useless. The adoption of the Amendment will do no harm to their Bill, and it ought to be enough for the Government to know that it will be regarded as a concession by us.

MR. BAUMANN (Camberwell, Peckham): We are asked why we should not do as much for the tenants of Ireland as we have already done for the working men of England, and the whole of the elaborate argument of the right hon. Gentleman the Member for Derby (Sir William Harcourt) was based upon the analogy between the Plan of Campaign and the strikes of artizans in this country. Now, that analogy is not only insulting to the artizans of this country, but it is hopelessly illogical. May I be permitted to point out to the Committee that, in order to make that analogy even approximately applicable, one would have to imagine mill hands holding a mill during the progress of a strike, or miners taking forcible possession of a mine. The analogy between the Plan of Campaign and the combination of working men in England is destroyed by the one fact never mentioned by the right hon. Gentleman opposite—that the English artizans strike with their own labour, whereas the Irish tenants strike with their landlord's land. That omission seems to me to be altogether destructive of the elaborate argument of the right hon. Gentleman, which was entirely one of analogy, and we know that false analogy is the fruitful parent of error. I must say that I think it is very much to be regretted that the right hon. Gentleman the Chief Secretary for Ireland should have dealt, what seems to me, to be a very serious blow at the Resident Magistrates of Ireland. If there is in future to be an appeal from the decisions of the Resident Magistrates to the County Court Judges, it does not require very much prescience to foresee that this Bill will produce a plentiful crop of them. If the Resident Magistrates are not fit to administer the law which this Parliament makes the sooner they cease to be Resident Magistrates the better.

MR. A. J. BALFOUR: May I remind the hon. Member that there is a power of appeal now in the case of any conviction for crime in any part of Ireland.

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I do not intend to give force to the conviction expressed by the right hon. Gentleman the Chief Secretary for Ireland that all persons associated with my right hon. Friend the Member for Derby intend to dwell at great length on this question. I confess that I waited for a moment after the speech of the right hon. Gentleman, because I entertained the hope that some further elucidation of the matter would be given, and that there would be some further prospect of satisfying those who earnestly desired to see some simplification of the question and some light thrown upon the obscure objects and purposes of the Bill; but as no other Member of the Government has risen for that purpose, I feel it my duty to say a few words in order to point out in what manner the Chief Secretary for Ireland has left the question. The right hon. Gentleman, as I understood him, began by complaining that the Amendment is not legitimate because it is avowed to have reference to a subject-matter, which subject-matter has not yet been adopted, and which is an abstract principle which may be excluded from the Bill—that is to say, that my right hon. Friend proposes to exclude from the operation of this clause certain provisions which are now included in the 2nd clause, which provisions, the right hon. Gentleman says, may drop out of the clause, and, in that case, they would of themselves drop out of this clause also, and, consequently, this Amendment is illegitimate. That is a very ingenious mode of putting the question from one point of view; but there is another mode of putting it. Supposing that these provisions do not drop out of the 2nd clause, what becomes of the right hon. Gentleman's argument? The question for us to consider is, whether it is likely that these provisions will drop out of the second clause? Are not the forces of the Government on that side of the House and on this mustered for the purpose of keeping them in, and, if so, what chance has my right hon. Friend of excluding them? We must get at the rational principle, and the rational principle is—especially after the speech of the Chief Secretary for Ireland—that they will not be excluded from the 2nd clause; and, therefore, this is really the proper time to endeavour to exclude them from the 1st clause, having regard to the distinction drawn by you, Sir, that if they are inquirable they shall not be examinable. Some of the points which were made by my right hon. Friend have been entirely passed over by the Chief Secretary for Ireland. There were two points put by my right hon. Friend with great force and great clearness. My right hon. Friend stated—"Suppose the case of a Land Trades Union formed in Ireland. Will you extend to that Land Trades Union the same, and only the same, protection as that which you have given by the Act of 1875 to the Labour Trades Union of England?" I am sorry to say that on this subject the answer of the right hon. Gentleman was too distinct; but I am glad that the question has been so plainly put, because it is well that the matter should be plainly understood, and, by degrees, it will be understood by the country. Ireland, under the present constitution of things, is to have the benefit of equal legislation. The argument of my right hon. Friend is that land is the subject of Irish labour, just as the question of wages is the matter that determines generally the character and capacity of the English Law; and we want to know whether they are to have the same protection? The Irish Minister tells us distinctly—"No, they are not to have the same protection." He refuses to give to Irish labour employed on the land the same protection as is enjoyed by English labour given in return for wages. What is the reason the right hon. Gentleman alleges for this unfavourable answer, and for this decided refusal? It is that the law with respect to wages has been illegitimately aggravated as against the working man, but that there has been no such aggravation of the law with respect to land in Ireland. That contention was distinctly met by my right hon. Friend with the assertion that the fact stated is entirely erroneous. I believe that we, and others who are better acquainted than I am with the law, are of opinion that the hon. Member for Mayo (Mr. Dillon), who has just sat down, has correctly and accurately stated the doctrine of conspiracy affecting the taking of land laid down by the Irish Judges. Now, Sir, what is the protection given to English labour under the Trades Unions Act which ought not to be given to Irish labour? Let that be stated, and let that be understood, because, on the face of it, the present state of the case is clearly this, that there is to be a protection given to English labour which the Government, with professions of equality upon their lips, are about to refuse to Irish labour. We must hear, and hear from authorities more acquainted with the law than the right hon. Gentleman, what the special case is with respect to English labour, and the necessity for an alteration of the law in regard to Ireland.

Mr. A. J. BALFOUR : I do not accept the right hon. Gentleman's version of my argument. I never said anything about Irish labour.

Mr. W. E. GLADSTONE : I am sorry if I have seemed to confuse the matter. I meant the labour given for wages in England, and the labour given upon land in Ireland. It is a question, in that point of view, between English labour and Irish labour. The Chief Secretary for Ireland did not think it proper to take any notice of the argument of my right hon. Friend upon the subject of public meetings, which have a vital bearing upon the whole matter, because it is not a question with regard to the combination for conspiracy, as it now exists in Ireland. It is not a question of Statute Law; it is a question of the doctrines of the Common Law, and the extensions of that law which have been given to it by the *dicta* of the Judges. My right hon. Friend has shown—and his statement is not contested—how, in the case of public meetings, according to the doctrine of a very high authority, the mere numbers of a meeting constitute force, because numbers make force, force makes terror, and terror brings persons within the purview of the law. Then, Sir, another point was raised by my right hon. Friend the Member for Derby (Sir William Harcourt), if possible, of greater importance, that of Boycotting. What was the reply of the right hon. Gentleman the Chief Secretary for Ireland? He said he would not give a definition of Boycotting, and, having said that, he said that the repression of Boycotting was the object and purpose of his Bill in so high a degree that if the efficacy of the Bill against Boycotting were taken away the Bill would not be worth proceeding with. Well, why does he not tell us what he means by Boycotting; did my right hon. Friend leave to him an excuse for the evasion? It was put by my right hon. Friend in the most pointed manner. Boycotting, I apprehend, is not a statutable term, and we have a right to ask what is meant by it; we have a right to know from Her Majesty's Government what they mean by Boycotting. My right hon. Friend has made it perfectly simple for them to explain their views on the matter. Do you mean by Boycotting, acts which involve intimidation? If you do, there is no dispute between us. Intimidation is a legal offence, and there we are with you. But if you do not mean that, do you mean combination which does not mean intimidation, because, if so, then all our charges against this Bill are justified, and we must give it the best opposition in our power. Well, Sir, why did the right hon. Gentleman the Chief Secretary for Ireland refuse to answer that question? Is it Boycotting which involves intimidation, which involves legal offences, or is it Boycotting signifying only combination and exclusive dealing, and not involving legal offence? We did right in asking that question, and when the right hon. Gentleman the Chief Secretary for Ireland says he will not yield to Obstruction what he will not yield to argument, I beg leave to say that we will not yield to tyranny what we will not yield to reason. I doubt the wisdom of introducing such topics either on one side or the other; but surely it is no Obstruction that a Gentleman on the Ministerial Bench, who refuses to explain the very thing which he declares to lie at the base and foundation of his Bill, should be pressed for an answer. I shall be very glad if the hon. and learned Gentleman the Attorney General (Sir Richard Webster) who, I understand, is likely to follow me and who, I think, is a more hopeful subject to deal with than the right hon. Gentleman the Chief Secretary for Ireland, will explain to us what this Boycotting is at which this Bill is aimed. I also hope, Sir, that with respect to public meetings the Committee will learn from the hon. Gentleman whether the doctrines which have been laid down by the Chief Secretary for Ireland have been extracted from the Common Law, or have been wrung out of the Common Law, or have been foisted into the Common Law by political prejudice, and are still in vogue and are still to be the basis of the action of the Government. I think some gain will be achieved by this discussion if we get from the Government a clear account of what it is that constitutes the special necessity for protecting labour in England that does not exist in Ireland. The vital point is whether their intention is to punish combination which leads to or includes intimidation or combination which does not, and which, however little desirable it may be in itself, however characteristic it may be of a defective state of society, yet is the only weapon by means of which the poor, humbler classes of the people of Ireland can defend themselves against the risk of oppression.

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): Mr. Courtney, I am unwilling to stand between the Committee and the Division. Upon the other hand, I have not the slightest wish to avoid answering the direct appeal made to me by the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) and the right hon. Gentleman the Member for Derby (Sir William Harcourt). I have certainly not in the least desired, and I am certain no other Member of the Government has desired, that there shall be the slightest doubt as to what our intentions are, and as to the meaning of this Bill. We have alleged over and over again that this Bill is directed against crime, and we draw no distinction between crime and offences. It is with that object that the clauses of this Bill have been framed, and we ask anyone to point out language or words in the different sections which are capable of any meaning but that. Now, Sir, we have heard a very interesting argument from the right hon. Gentleman the Member for Derby on the Law of Conspiracy, and part of that argument has been repeated by the right hon. Gentleman the Member for Mid Lothian, and who has, also, asked us, are you prepared to refuse to the tenants of Ireland the same protection that you give to the labourers of England? Sir, of course we are not prepared to refuse to persons in Ireland, in the same position as the labourers of England, exactly the same protection we give to the labourers in England; but those who study the law, and those who do understand the question, as I am sure the right hon. Gentleman does, cannot seriously mean that there is any real parallel between the state of circumstances which led to the passing of the Trades Unions Act and the circumstances which affect the rights between landlords and tenants. In the first place, we have that significant distinction to which attention was called by the right hon. Gentleman the Chief Secretary for Ireland, that the law, as between masters and servants, had developed into such a condition of things that it called for remedy, and called for remedy because criminal proceedings were taken in respect to matters which ought to be the foundation of civil remedy, and that it was because there had been a practice, partly founded on ancient Statute, and partly founded on Common Law, of treating matters as between masters and servants as within the purview of the Criminal Law, that it became necessary to interfere in the matter. But will any lawyer in the House suggest that there has ever been a practice or instance of setting in force the Criminal Law as between landlord and tenant. I only hope that the right hon. Gentleman the Member for Derby (Sir William Harcourt), or some of his right hon. Friends, will make his meaning clear. It is impossible to question the right of tenants to combine for the purpose of saying—"We will try and induce our landlords, by fair means, to charge a lower rent, or we will agree together that we will leave our farms rather than pay a certain rent." I do not believe that there is any Judge who would pretend that such a combination was unlawful. [*Cries of* "Yes! over and over again."] I repeat my statement, I do not believe there is a Judge who would allege that in such a case there was a criminal conspiracy. But when the tenants who can pay combine for the purpose of bringing the landlord to his knees, for the purpose of keeping out of the landlord's pocket the money which belongs to him, an entirely different set of circumstances arises. It requires no deep study of the Law of Conspiracy to see the distinction between a combination of a number of men to say—"We are not willing to give more than a certain amount, but we think there should be some fair pressure put on the landlord to make him come to a fair agreement with us," and a combination between people who are in a position to pay, and who would be willing to pay individually were it not that they are induced to abstain from paying because the hope is that thereby the landlord will be deprived of his money, and will be coerced into making an arrangement which will be putting an end to legal bargain. I hope the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) will give me his attention for one moment. I have suffered more than once in this House from observations made by the right hon. Gentleman when my mouth was closed, and at a time when, owing to the course of debate, I could not interrupt him, because I do not like interrupting speakers on the other side, and never do it if I can avoid it. When I said that there was a broad distinction between criminal conspiracy and conspiracy, the right hon. Gentleman subjected me to his most caustic criticism. He turned round to hon. Gentlemen behind him, and asked if they had ever heard of criminal murder, of criminal perjury, and said, was it not a ridiculous thing to talk about criminal conspiracy? I wonder whether the right hon. Gentleman has since that speech consulted that admirable treatise to which the right hon. Gentleman the Member for Derby referred to-night when he referred to an opinion which every English lawyer respects, I mean the opinion of Mr. Wright, well known to hon. Gentlemen who sit opposite as well as to those who sit on these Benches. Does the right hon. Gentleman the Member for Mid Lothian know that that very work, which was quoted so much by the right hon. Gentleman the Member for Derby, is a work in reference to the law of criminal conspiracy? The right hon. Gentleman the Member for Mid Lothian has said that my statement, that there is a distinction between criminal conspiracy and conspiracy, is nonsense, and, therefore, I think I am justified in retorting on the right hon. Gentleman by quoting an authority to which he and his Colleagues have referred, in which pages are devoted to the distinction between criminal conspiracies and other conspiracies. On page 57 of that work, there will be found these words—

> "It must be remembered that there is no intrinsic efficacy in the word 'conspiracy,' or in the word 'confederacy,' or in the word 'combination.' 'Conspire (said Lord Campbell in Hamp's case, 1852) is nothing; agreement is the thing.'"

It is therefore the criminality of the conspiracy that is important, it is the agreement either to do an unlawful act or to obtain an unlawful end, which constitutes that which is a criminal conspiracy. I assure the right hon. Gentleman I have not made this reference simply for the pleasure of doing so, and I am perfectly willing to submit my argument upon this question to the judgment of the House. We never intended to suggest that when four men meeting together said—"We think we are over-rented, and we will ask for a reduction from next Michaelmas, and unless we get it we will hold this land no longer," it was an improper combination. I have stated the law both of England and Ireland, and although I am not going to lengthen the debate on this point, I think it necessary to make good my observations with regard to this matter. The right hon. Gentleman the Member for Mid Lothian asks the Government for an assurance as to what we mean by our Bill; our answer is that the Bill clearly shows its own meaning. Now the right hon. Gentleman the Member for Derby has asked us to put some words into the Bill which will indicate the class of conspiracy. There could not be a more unwise step; there could not be a more misleading step; there could not be any step, in my opinion, which would be more retrograde in connection with the Criminal Law. It is utterly impossible for any person to define beforehand what may be the actual case which will constitute a criminal conspiracy, and for this reason, as the right hon. Gentleman knows perfectly well, that the intent you have at the time you are doing an act may make that which is an innocent act for one purpose a criminal act for another purpose. The right hon. Gentleman the Member for Mid Lothian has asked if we mean intimidation—if we mean anything else but intimidation? Why, Sir, does the right hon. Gentleman mean to suggest to this Committee that there are not classes of Boycotting which are perfectly well known and understood by every Member of this House, and which you could not very strictly bring within the meaning of the word intimidation? I can imagine cases in which there have been conspiracies for the purpose of libelling individuals.

[*Home Rule cheers.*] I have no sympathy with conspiracies to libel individuals; but I may say that it is just because you can imagine some of the direst forms of oppression of this kind brought to bear on peaceable individuals, which do not come within the legal or popular meaning of intimidation, that you do require to have a clause which, while it shall indicate on the face of it the criminality of the act, shall not attempt to define that which is or is not a criminal conspiracy. I think I mentioned this on a previous occasion, but I may be permitted to mention it again, that it is not very many years ago that you could not find the word Boycotting in the dictionary. It arose from that which was undoubtedly a criminal act practised upon Captain Boycott, and here we have got that which many hon. Members admit to be a state of things which ought to be put down. I think the right hon. Gentleman the Member for Newcastle (Mr. John Morley), certainly the hon. Gentleman the Member for East Mayo (Mr. Dillon), has over and over again said that he protests against Boycotting. We have got, undoubtedly, a state of things which everybody agrees ought to be put down, and yet we are asked to define in this Act what will be Boycotting, perhaps, 10 years hence. Reference has been made to a passage from page 7 of the Report of Lord Cowper's Commission. I am not going to read it again because I have read it at length in the course of the debates on this Bill; but if the right hon. Gentleman the Member for Mid Lothian wants to know what we mean by Boycotting, we mean the practice there spoken to in that strong language of condemnation by a Commission which is frequently appealed to by hon. Members below the Gangway. I believe it to be impossible to define what Boycotting may develop itself into in the future. Now, I hope I shall be pardoned for a moment if I refer to the Act of 1882. I never have referred to that Act for the purpose of justifying the conduct of Her Majesty's Government on the present occasion. We justify our conduct on the reasons which we have over and over again explained to the House. But I ask, when you are dealing with a particular remedial proposal, and when you find that that particular remedial proposal has been directed to certain evils two or three years ago, and hon. Gentlemen opposite have changed their minds on the matter, whether we are not surely justified in asking why, if an inquiry clause were considered to be a proper kind of clause to be applied to certain offences in 1882, it is not a proper clause to be applied to the same kind of offences in 1887? The right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) and the right hon. Gentleman the Member for Derby (Sir William Harcourt) have referred to intimidation. Does the Committee remember that, according to the Act of 1882, it was considered necessary that you might have a secret inquiry in the case of intimidation by an individual? ["Hear, hear!"] The right hon. Gentleman the Member for Derby evidently agrees with me on this point. Now, I want to know if it was a right thing to inquire secretly into intimidation by an individual, which means that you have to have a man up and ask him, were you intimidated by a particular individual, on what logical argument can it be said it is not right to inquire into a conspiracy to intimidate?

Sir WILLIAM HARCOURT: I have never said that this power should be applied to intimidation; what I said referred to conspiracy, apart from intimidation.

Sir RICHARD WEBSTER: I want know, if conspiracy to intimidate is to be inquired into, why other kinds of conspiracy are not to be inquired into? Much mischief might be done by slanderous remarks with regard to individuals, and I am utterly at a loss to understand on what grounds it can be suggested that that class of conspiracy is not to be made a subject of inquiry. What we say is this, that if you once get the principle recognized, that it is necessary that you should be able to get at the bottom of societies which are, to a certain extent, I will not say secret in name, but secret in operation, which are by ways and means which are not apparent on the surface interfering with the free action of individuals, who wish to be unmolested, by acting upon, or getting other people to act upon, them in an unlawful or criminal way, we care not what shape it may take, whether it be violence, intimidation, attempts to get people not to deal with them—we say that the vice which lies at the root of this conspiracy and combination is the same, and once you grant there shall be inquiry into one, there ought not to be any halting place in the inquiry into them all. It is unnecessary for me to deal at the present moment at greater length with that matter. I confess I was somewhat surprised that the right hon. Gentleman (Mr. W. E. Gladstone) should have thought it worth while to unearth what he called the *dicta* of Tory lawyers in connection with the Peterloo riots, for the purpose of suggesting that Tory or Unionist lawyers of the present day have the same ideas in their minds as the lawyers of that day had. Will he kindly refer to the speech of any public man on this side of the House, or among the Liberal Unionists, who has ever suggested that to such a public meeting as could fairly be described as a harmless meeting, the law in regard to unlawful assemblies should be applied? The right hon. Gentleman would have us believe there is no such thing as an unlawful assembly—that it is a term unknown to the English law, unless the rule which was supposed to be applied in the case of the Peterloo riots was to be the test of what is an unlawful assembly. He would have us believe that the opinion held in regard to the Peterloo riots is to be taken as a test of the opinion which prevails in the minds of some Gentlemen as to unlawful assemblies in the present day. I must say that, if that kind of argument is going to be used in regard to the meaning of unlawful assembly, we are justified in asking hon. Gentlemen opposite what they meant when they said in the year 1882—

> "Every person who, in a proclaimed district, takes part in any riot or unlawful assembly, shall be deemed to be guilty of an offence under this Act."

I say this, if a private inquiry clause was deemed to be a proper kind of clause to apply to unlawful assemblies in the year 1882, will the right hon. Gentleman tell me why a similar clause applied to certain offences should be wrong in 1887? That question I submit to the judgment of the Committee. We have never had one single answer to that, nor have we received from right hon. Gentlemen opposite one single word of argument. I am not going to argue at any greater length as to what is the meaning of Clause 2. I fear that notwithstanding the honest wish of the right hon. Gentleman the Member for Derby, that we should discuss the principle of this clause at the present moment, we shall be treated to the same kind of debate that we are now having when we come to that clause. I will say, in conclusion, that the Government are making no change in the law. We are not seeking to re-enact or disinter fossil *dicta* which have remained buried for years, and which no Judges of modern times have unearthed. We have, on the face of our Bill, stated the conspiracies to which we wish this Bill to apply, and what we wish the procedure of inquiry and the procedure of punishment to be. In the first place, the conspiracy will be criminal, and in order to make that meaning clearer, I have put upon the Paper an Amendment whereby we have said that the conspiracies shall be conspiracies punishable by law at the time of the passing "of this Act." I do not know that any lawyer who honestly wishes to define the offence and to show what are criminal acts could do more than that. I protest against the suggestion that the Government intend to pick out certain acts of individuals and condemn them as offences for political reasons. I do not apologize for detaining the Committee so long, because I desired to make our meaning clear. I do not think the right hon. Gentleman opposite can say that I have not made my meaning clear. He may not agree with me; but I would ask the Committee not even to adopt the spirit of his Amendment, which we conceive would be most mischievous.

Mr. W. E. GLADSTONE: I do not propose to detain the Committee, but only rise for a moment or two to offer a personal explanation. I agree with the hon. and learned Gentleman that interruption is often very inconvenient, and I therefore did not interrupt him in the course of his speech. I wish to say that I am totally unaware of the offence with which he charges me. I have never presumed to criticize at all, much less to describe in disrespectful language, any legal opinion given by the hon. and learned Gentleman. It would be extremely wrong in me, and very absurd of me, to do so. I was criticizing the language used by another person not having legal authority.

SIR RICHARD WEBSTER: The matter arose in the speech of the right hon. Gentleman on the first reading of the Bill, in which he offered most caustic criticism on the use of the words "criminal conspiracy." Thereupon I, interlocutarily, called attention to the words "criminal conspiracy," and the right hon. Gentleman at once replied that the expression was nonsense, and turning to me, said to me across the floor of the House, "Would the hon. and learned Gentleman the Attorney General think of speaking of criminal murder, or of criminal burglary?" [Mr. W. E. GLADSTONE made a gesture of dissent.] The right hon. Gentleman will pardon me, what I state is not for the purpose of justifying myself, but for the purpose of showing that there is a solid distinction which the law regards as between "conspiracy" and "criminal conspiracy"—between combinations and criminal combinations.

MR. W. E. GLADSTONE: We are not discussing the validity of the distinction at this moment. What I wish to say is, that if I used the word "nonsense," it was not in reference to any remarks of the Attorney General. I was making no comment on his proceedings. I disclaim that altogether, and my appeal to the hon. and learned Gentleman was meant to be a testimony of my respect for and of my confidence in any legal opinion he might give.

SIR RICHARD WEBSTER: I accept that explanation unfeignedly.

SIR WILLIAM HARCOURT: If the fault rests upon anyone it rests upon me. I believe I was the person who objected to the use of the words "criminal conspiracy," and my right hon. Friend the Member for Mid Lothian was only an accessory after the fact. I objected to the words "criminal conspiracy" in an Act of Parliament, whether we use them in language, or in the title of a book, and I shall be glad if the hon. and learned Gentleman the Attorney General will produce any Act of Parliament in which the words "criminal conspiracy" occur. When he has done that, I will withdraw the statement I have made, which is, that it is a perfectly improper legal expression.

MR. BRADLAUGH (Northampton): There are absolutely only two propositions before the House, one of which was put forward by the right hon. Gentleman the Chief Secretary to the Lord Lieutenant for Ireland which has been supported by the Attorney General. I desire to deal with the right hon. and hon. Gentlemen with the respect that is due in each case to their positions; but I must say that I was astounded to hear the Chief Secretary for Ireland suggest, after having put what was so perfectly true—namely, that the Courts of Law in relation to combinations of working men had strained the doctrine of conspiracy to the fullest extent—I certainly was startled to hear him say that an agreement between three or more tenants to fix the price of land or of the rent of land would not be an indictable offence. I see I have correctly represented the position they took up, for the hon. and learned Gentleman the Attorney General indorses that. Do I understand his contention to be that an association or agreement between two or more individuals to fix the price of any article whatever, be it rent or anything else, has not been held to be conspiracy and therefore indictable? The hon. and learned Gentleman stated that no Judge has ever held it to be so, or would ever hold it to be so. I avow that I thought he was wrong when he was saying it, but not daring to trust my memory against such a high authority I took an opportunity of refreshing it, and I have been a little puzzled since I came back with the authority, because I am warned that the Government are not going to act on "fossil *dicta*" that no lawyer would take up to-day. I do not quite understand such a proposition. I thought, and still think, that every decision in a criminal case is good until it is overruled, and is binding on every Judge of equal or inferior Court, and I have here a case as to which there can be absolutely no doubt at all, in which it was held to be an indictable offence for two or more persons to associate together, and to agree together to fix a price at which they would sell. I admit that there is no magic in the word "conspiracy," and if two or more agree to do a thing, no doubt it means the offence of conspiracy.

In the case to which I am referring, it was held to be an indictable offence to combine to fix the price of salt. That case is surely familiar to the hon. and learned Gentleman the Attorney General, for it is in the 2nd Vol. of Lord Kenyon's Report, page 300. The judgment given in that case was a judgment upon which men were sent to gaol. It is a a judgment that is still part of the law of the land, and which the Courts must feel bound by. Though it may be a fossil *dictum* on Lord Kenyon's part, it has survived in most modern editions of the *Digest.* I have refreshed my memory with the modern edition of *Fisher's Digest*, in which this fossil is preserved. But the hon. and learned Attorney General managed to puzzle me still more. I understood him to argue to the Committee that two or more persons agreeing to do what one might rightfully do by himself would not necessarily constitute the crime of conspiracy. I take leave not only to differ from him, but also to refer him to what is not quite fossil *dicta*; but relevant judgment on this subject. I will refer him to the 14th Vol. of *Cox's Criminal Cases*, page 508, where he will find that the Court, in express terms, adjudged exactly the opposite of what he has laid down. The law, or the rulings in relation to conspiracy have been—if one may say so, speaking of the judgments of the High Court—of the very loosest description. It has been held to be conspiracy—and conspiracy is always held to be a crime—to stir up ill-will between classes of Her Majesty's subjects. Now, the Attorney General put it that no honest combination, no combination between two or more tenants who felt that they could not pay and who felt that they ought not to pay certain rent, and who combined for the purpose of getting their land at a lower rent, would amount to the crime of conspiracy, but that it would begin to be a crime of conspiracy when some one or more persons combined who happened to be able to pay, or when persons able to pay began to be connected with that combination or association. Do I understand the learned Attorney General gravely to argue that that is a crime done by a man with money in his pocket, which is no crime in the eyes of the law if done by a man with an empty pocket? I will not venture to put my small—I will not say acquaintance with the law; I will not put it as high as that—but my small study of the law against the opinion so plainly put by the hon. and learned Gentleman the Attorney General; but if we were arguing this matter before a tribunal that would have the right to pronounce a definite judgment between us, I should rely with confidence that the decision would not be in favour of the learned Attorney General. But what is sought to be done by these statements of the learned Attorney General? It is sought to impart prejudice into the definition of conspiracy here, so as to carry away the Committee for the moment; but I feel that the good sense and humanity of the Committee will be against declaring that it is a conspiracy for tenants in the position of those described by Sir Redvers Buller as unable to pay who may combine against the rent which Sir Redvers Buller swore was higher than they ought to have to pay. I respectfully protest against having imported into the matter this side issue, for the sake of prejudicing the argument that the Government would not object to those poor people, that they would not seek to prosecute them for combining, and that it is only the people who can pay who would be proceeded against for taking part in the combination. Then it comes to this—that so long as agreement, that association, is between people who by their poverty are unable to give any effect to combination, you will allow it to take place; but the moment the element enters into it, that one tenant who has means to pay says—"I will join with O'Brien, who has not money, and by putting my rent in my pocket, or in some place of safe custody, will induce the landlord to show a measure of justice to O'Brien that he otherwise would not show," then that is a crime. I dare not use the word "nonsense," because it would be impolite, coming from one like myself to one in the superior position occupied by the hon. and learned Gentleman the Attorney General. Still, I venture to say that that would be the view of the Judges, if such an argument were brought before them. I venture to say that they would make no such distinction between persons who had money in their pockets and persons who had not. The hon. and learned Gentleman pressed the matter further, and said that the right hon. Gentleman the Member for Derby had taken the illustration of the old Trades Unions, and that there was no parallel whatever between the position of the Irish tenants now and the English workmen then. Of course, in a sense it is true that there is never any parallel betwen things that are different; but there is in this case similarity enough to make the matter of similarity worthy of the consideration of this Committee. What is it that is said? It is said that the construction put by the Courts upon the law of combination was so harsh as to create a wrong for which it was needful that there should be a legal remedy provided for it in this country. Well, I put it that that is exactly what you have in regard to the tenants of Ireland. The conduct of the landlords under cover of law, supported by decision after decision, has been so harsh that, while it may be as perfectly legal as the conduct of the employers against the employed prior to 1875, it produces a state of things that requires some legal remedy from this House. Well, I do not want to obtrude upon the Committee, but I say, notwithstanding what has just been argued by the hon. and learned Gentleman the Attorney General, that the distinction of "criminal conspiracy" is a distinction which has never been drawn, except, perhaps, on the title page of some book, or on the label or advertisement on the back of it, and that the best test will be to take *Viner's Abridgment*, *Bacon's Abridgment*, and *Comyn's Digest*. Under the head of "crimes" you will find "conspiracy," but you will look for ever before you will find "criminal conspiracy." You will find conspiracy under the head of crimes, just as you will find murder; just as you will find burglary; or just as you will find any other matter which is either felony or misdemeanour. But it is not true that in law—and I say it with all respect—that there has ever been a distinction in our Courts between "conspiracy" and "criminal conspiracy." I cannot speak for what Irish Courts may have done; but I suppose in that matter English law is binding, and there never has been a distinction between what is called a mere honest combination of two or more persons to effect a particular object and conspiracy. In each case it has been a conspiracy, and though the maker of the conspiracy might influence the sentence, it in no case influenced the conviction.

Captain COLOMB (Tower Hamlets, Bow, &c.): I should like to say one word with regard to the illustration which has been given us as to the analogy between conspiracy on the part of Irish tenants not to pay rent, and combinations on the part of English workingmen by Trades Unions. The right hon. Gentleman the Member for Mid Lothian has put the case as it exists in his view, and he speaks of labour given for wages in England, and labour given for land in Ireland. He asks is the protection which is given to English labour to be denied to Irish labour? But I would point out to the right hon. Gentleman that the State in England has never attempted to fix wages, and that the State in Ireland has fixed the wages given for labour for land; and the whole point is this—is it to be tolerated that where the State has fixed certain rents, laws, and regulations with regard to the rent of land in Ireland, private conspiracies are to defeat the law of the land? I think that point is very material, and I merely wish to point it out.

Mr. Addison (Ashton - under - Lyne) here rose, and being called upon by the Chairman, he at once resumed his seat.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I am rather sorry that the Attorney General would not allow the hon. and learned Gentleman the Member for Ashton-under-Lyne to address the Committee, because I was myself, for personal as well as political reasons, rather curious to know how the hon. and learned Gentleman would reconcile his defence of a case like this, with the attitude he took up during the Elections of 1885 and 1886. I shall assume that the hon. and learned Gentleman was going to speak against the Amendment, and in favour of the clause as it stands; and as he gives, by his silence, consent to that, I will give him notice that I shall avail myself of some future opportunity of making a slight comparison between his attitude now and his attitude at the Elections. I should not have risen, if it had not been for the somewhat critical position into which the debate has got, owing to the Boycotting or conspiracy to intimidate exercised by the hon. and learned Gentleman the Attorney General this evening. I am told—and I have no doubt of the accuracy of the assertion—that if the Attorney General were living in Ireland, and I were in Dublin Castle, and had the working of a Bill like this in my charge, I should be able to bring the hon. and learned Gentleman within the operation of the present clause and find him guilty of intimidation. Let me point to another authority. The Attorney General said that a conspiracy of labour would be as injurious as any other form of conspiracy, and therefore might require as much investigation. Well, Sir, if the hon. and learned Gentleman will accept an offer from me, I will undertake to say very little on any further stage of this Bill, if he will consent to apply as much of this Bill to this country as will enable us to bring the editor of *The Times* before a secret inquiry in order to find out who supplied him with the forged letter. I know very well that the hon. and learned Gentleman has no intention of doing anything of the kind, and the fact of the matter is, that while every man in this country is at liberty to take part in any conspiracy he likes, for any purpose he likes, yet hon. Members on these Benches, and persons who may go to Ireland, and may go to the impoverished tenantry, and make an offer to assist them in their difficulties as regards rent and their relations with their landlords, if that offer is accepted they will be liable to punishment under this Bill. The hon. and learned Gentleman the Attorney General is against Boycotting; well, will he undertake to bring under the survey of this clause the action of the Primrose League in this country?

THE CHAIRMAN: The hon. Gentleman is, I think, travelling very wide of the subject before the Committee.

MR. T. P. O'CONNOR: I am very sorry, because I think I am approaching a subject which is not at all agreeable to the hon. and learned Gentleman. Now, I wish to put a point that I think is certainly in Order, and which I think is certainly within the narrowest limitations of this debate. The hon. and learned Gentleman the Attorney General said a little while ago that such a case as was referred to by the right hon. Gentleman the Member for Derby could not arise under this Bill, and I remember the other night that the right hon. Gentleman the Chief Secretary for Ireland said the same thing. I put this case then, supposing a certain number of men on the estate of the Marquess of Clanricarde combined to get a reduction of 25 per cent from their rents, they would be guilty of conspiracy as this Bill would be interpreted by Stipendiary Magistrates. The Chief Secretary said—

> "Not at all; there could be no conspiracy in such an action as that, and there is no Judge who would so declare."

But if the Attorney General will, for a moment, give me his attention—I do not wish to delay him, but his mind does not seem to be bent upon the point with which I am dealing—I want to show him some facts of Irish life, with which, I am sorry to say, he is not very well acquainted. I say that under this Bill, as it would be interpreted by the Irish Attorney General, who is sitting next him, and by the Irish Judges, combinations of tenants on the Marquess of Clanricarde's estate to get their rents reduced by 25 per cent would be an act of criminal conspiracy. That is my statement. That statement was controverted. Now, will the hon. and learned Gentleman the Attorney General be surprised to hear that a learned Judge, not a Tory Judge, and not a fossil Judge, but a man still in the enjoyment of life, and a Member of "another place" so recently as 1881, laid down the doctrine that any combination or any incitement for the purpose of obtaining a reduction of rent was a conspiracy under the existing law. Now, I will read to the hon. and learned Gentleman a passage from the judgment to which I allude. Judge Fitzgerald said, in the case of "The Queen *v.* Parnell"—

> "By the law of the land, what the landlord is entitled to receive is the full rent, and the tenant is called upon to pay nothing more and nothing less"—

Now, I recommend that to the hon. and learned Gentleman the Member for Ashton-under-Lyne (Mr. Addison), and I should like to know what he thinks of it—

> "nothing more and nothing less, and though these rents have been characterized as rack rents I have now to tell you, with the entire concurrence of my learned Colleague, that to incite tenant farmers not to pay their rent is an offence against our Common Law, and subject to

an indictment for conspiracy as a breach of the Common Law."

Now, I wonder do the hon. and learned Attorney General and the hon. and learned Gentleman the Member for Ashton-under-Lyne know that that law was laid down in Ireland, and do they agree with that law? Do they agree with Lord Fitzgerald that any incitement to tenants not to pay their rents is an offence against our Common Law, and subject to an indictment for conspiracy? And mark the words which precede this. Judge Fitzgerald says—"The landlord is entitled to a full rent; nothing more and nothing less." Well, then, if we incite the tenants to ask the landlord to accept 25 per cent less than the landlord is entitled to, according to the law, then, we make ourselves subject to an indictment for conspiracy. Is that not the law in Ireland now? That statement of the law may be an absurd statement of the law, may be an idiotic statement of the law, may be a monstrous statement of the law—and I think it is all these things—but it is the law as laid down by Judge Fitzgerald, and it has not been revised on appeal by any other tribunal. And so we have it laid down clearly, as the existing law, that an attempt to induce men to bring about an abatement of their rent would make the persons who do it subject to indictment for conspiracy and bring them within this Bill. And it is in the face of well-known facts like these that the right hon. Gentleman the Chief Secretary, with his characteristic ignorance of Irish affairs and of Irish law—I am not surprised at his ignorance of Irish law, because there never was such law laid down in the world as that of our country—should get up and say no Judge could possibly decide that which, as a matter of fact, Judge after Judge has decided in Ireland.

Mr. A. J. BALFOUR: What I said to-night was, that if three or four tenants agreed together, by combination, to get the landlord to reduce their rents, that would not be a conspiracy.

Mr. T. P. O'CONNOR: Then I would remind the right hon. Gentleman of what Lord Fitzgerald said with regard to the law of the land. What does the right hon. Gentleman say to that? Have I not proved that a Judge has decided that which the right hon. Gentleman said no Judge would ever decide—namely, that the incitement of tenants to pay a farthing less than their judicial rents would be subject to indictment for conspiracy, and therefore would bring everybody who took part in it within the lines of the 1st clause and subsequent clauses of this Bill. Now, there is a style of argument used on the Treasury Bench that I strongly object to. They say—"You must trust to the way in which these laws will be carried out—you must trust to their being carried out in a *bonâ fide* and honest manner." Trust to an Irish official as to the way in which the law is to be carried out! I am justified in saying this, by the moral character of the present officials in Dublin Castle. I say that, if Dublin Castle were manned by Liberal officials, instead of, as it is now, by men belonging to the Orange combination in Ireland, even then this law would be carried out to the fullest extent. Our old experience is that every single power which repressive legislation gives to Dublin Castle will not only be used, but abused, to the very utmost limits that imagination can conceive, and to the widest interpretation of the law. The right hon. Gentleman has spoken of the Coercion Bill of 1881. What was said in this House during the whole passage of that Bill? Why, the late Mr. Forster got up time after time and used the words which the Chief Secretary for Ireland is constantly using. I sometimes think that the right hon. Gentleman is quoting to the House what he has imbibed from the speeches of that distinguished statesman. Mr. Forster said, over and over again, that his Coercion Bill was not directed against tenants or combinations of tenants, and that it was not passed for the purpose of collecting rents, and, above all, for the purpose of collecting rack-rents, but that it was passed simply as a measure against crime. And now we have the Attorney General getting up and saying that this Bill is not directed at all against combinations of the tenants, but solely and exclusively against crime. A few days ago I went over a list of the men who were placed in gaol under Mr. Forster's Act. The warrants, it will be remembered, had to set forth the crime of which these men were reasonably suspected; and over and over again in those warrants the crime was stated to be inciting tenants not to pay rents. An hon.

Friend near me remarks that the warrants in which the crimes were set forth were printed warrants; and, as I have said, the crime was over and over again stated to be inciting tenants to intimidation. In the case of Mr. Forster's Bill, we had a measure, professing to be aimed at crime, used almost entirely for the extortion of rent. If we go back in Irish history we find the same thing. In 1846, Mr. Daniel O'Connell spoke of some Acts which gave power to magistrates to whip people in prison; it was said at the time that those powers were not used, but Mr. O'Connell said—"I have known men to be whipped almost to death under these Acts." Now, the moral of all this is, that the pledges made in Parliament have always been falsified, and the Acts, when passed, used to the utmost possible limit. The Chief Secretary for Ireland laid down what appears to be the policy of the Government plainly and lucidly. He said that the Government thought it worth while to inquire into any offence deserving of punishment. Now we exactly understand where we are. A combination against rent, being proved according to the existing law, is a criminal conspiracy; therefore, a combination for the non-payment of rent comes under the 2nd clause of the Bill, and, being under the 2nd clause, it comes also under the 1st clause; and, therefore, we come to this—that the Government claim the right to use their secret inquiry against every combination for the non-payment of rent. In the face of that, I cannot understand how any Gentleman possessed of ordinary intelligence of mind, and even the average conscientiousness of the House of Commons—I cannot understand how any man can get up in his place, and any longer describe this Bill as a Bill directed solely against criminals, and not directed against combinations of tenants. I think I have proved that this secret inquiry will be used by the Government themselves against combinations of tenants. But is this a power which the Government have not got already? Is it not notorious that rack-renting is almost universal in Ireland at the present moment? The Government appeal to Commissioners to prove that Boycotting is going on in Ireland; and, again, they also appeal to them to prove that a large majority of the tenants are unable to pay the rents demanded of them; and, in the face of that, you take powers to suppress by imprisonment every combination for bringing about the reduction of rents. I may say that no more immoral or criminal policy has ever been followed by a Government. But if there is a general combination among tenants, are there no combinations among landlords in Ireland? There are three landlord combinations in Ireland, and they are under the control of the worst landlords there are in the country. I say worst, in the sense of their having been heavily mulcted in the Law Courts. I am not going to say anything about the Parliamentary Under Secretary for Ireland (Colonel King-Harman), because I assume that he is so largely occupied in doing the work of the Chief Secretary for Ireland that he will leave the combinations of landlords alone for some time to come; but the three landlords who have been most heavily mulcted are the men who have the landlord combinations in Ireland at their disposal. Does anyone doubt for what purpose combinations under the control of such men will be employed? Does anyone suppose that these men, who are branded for rack-renting, will employ those combinations for any other purpose than that of keeping up rents? Here we have the three most powerful combinations of landlords in Ireland, and they are under the control of three of the most rack-renting landlords in the country, and, of course, these landlords will not endeavour to get better terms for the tenants from other landlords than they are themselves willing to give. Therefore, I think I have shown that these combinations will be employed for keeping up rack-rents, and increasing the number of combinations existing in Ireland. Does the right hon. Gentleman the Chief Secretary intend to use the 1st clause for examining into the working of these combinations? The right hon. Gentleman knows very well that a distinguished man has described the combinations of landlords in Ireland as contributing to the state of civil war and social disorder that exists there at the present moment. The main argument used in "another place" has always been that, as the tenants combined for the purpose of non-payment of rent, the landlords combine for the enforcing of evictions. If this Bill, which is now before the Committee, is for the purpose of putting down the combination of tenants, which is one factor towards social disorder in Ireland, ought it not also to be used for putting down the other factor of social disorder—namely, the combination of landlords? [*Laughter.*] The Chief Secretary sits smiling in his place, and does not even give me the Cecil nod which we might have expected from his family relationship; but I would ask him whether he sees that there is any possibility of using this clause for the purpose of finding out the combinations of landlords? [Mr. A. J. Balfour: If there is indictable conspiracy.] Then indictable conspiracy is not the combination of landlords to keep up rents; indictable conspiracy means a combination on the part of the tenants to put down rents. That being so, I know very well that this Bill will leave the landlord combinations absolutely scot-free, and will do nothing to put them down. But is there no other reason why the tenants in Ireland should be allowed to combine at the present moment? Does not the right hon. Gentleman know well that intimidation and Boycotting means the system by which men force others to carry out their will? Does not he know that all these influences are employed now by the landlords for the purpose of forcing purchase upon their tenants? We have stated, over and over again, that the landlords in Ireland have tried to force their tenants into purchasing, and everyone acquainted with social and rural life in that country knows that the landlords or their agents come to the tenants with a notice to quit in one hand, and an agreement to purchase in the other. What happens is this—the Sheriff comes with a *posse* of police, and then you have the tenant face to face with the eviction of himself, his wife and the children on the one side, and on the other, you have a Mephistopheles with his exorbitant purchase proposal. Are hon. Members surprised that, under these circumstances, the tenant prefers to make a bad bargain, rather than go on the road side? If you take any Tory papers of last year, or look at any of the Tory speeches that have been made, one argument has always been used with reference to the Irish Question. The daily Press, the hon. Member for Cambridge (Mr. Penrose Fitzgerald), every Irish Tory who has spoken on the question, has said in effect—There is no necessity to give this right to tenants to go into Court to get a reduction of rent, they can get a reduction by simple purchase; these gentlemen said that by means of an agreement of purchase they could at once produce a reduction of 25 per cent in the rent of the land; but that is not my way of looking at this question. I think that the tenant should be free to purchase at a rent which has been reduced to its proper level; and I hold that the Chief Secretary, by using this clause against tenant combinations, will be acting most unfairly and most unjustifiably to his own country; because these bad bargains which, under this Bill, will fall upon the shoulders of the Irish farmers, will come in time upon the English taxpayer, and then the Tories and the Liberal Unionists will be left to congratulate each other on having defeated the Bill of the right hon. Gentleman the Member for Mid Lothian.

Mr. CLANCY (Dublin, Co., N.): I think it right that the country and the House of Commons will, after to-night, at least, know what is practically aimed at by this Bill. The great pretence has been that the Bill is aimed at crime—at criminals, murderers, and persons who attempt murder, arson, and so forth; whereas now we know that it is aimed in reality at peaceable combinations of tenants to effect a reduction of their rents. A question was put to-night by the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) to the Attorney General for England, and I think that question went to the root of the whole matter; he asked the Attorney General whether this Bill was intended to put down Boycotting attended by intimidation, or, whether it was intended to put down Boycotting unaccompanied by intimidation. The right hon. Gentleman asked for a plain answer to that simple question, and the Committee now knows the answer which was given to it. The Attorney General spoke for a-half or three-quarters of an hour, and from the beginning to the end of his speech he never made an attempt to reply to that question. He evaded altogether the question whether the Bill was intended to deal with Boycotting unaccompanied by intimidation. We are, therefore, entitled to assume that this Bill is intended not only to put down crimes, but also to put down combinations which in this country would be regarded as perfectly lawful and defensible. It seems to me that the hon. Member for Northampton (Mr. Bradlaugh) put the case very well when he said that the application of the Bill in case of combinations depended upon whether the tenants had money or not. It appears that where there is money combinations will be protected, and that where there is no money poverty will be made a crime. That being so, the next point is to determine whether they have money or not, and that seems to be left entirely in the discretion of the Resident Magistrates. It will be in the discretion of gentlemen of this class to determine whether the tenants have money or not, and, consequently, whether or not they are to be liable to the penalties of this Bill. That is a nice state of the law. The Attorney General made one statement which I cannot allow to pass without notice. He said that the question as to whether these combinations would be put down or not must be accompanied by the question, "What is their intention?" If there has been anything determined in the course of recent legal proceedings in Ireland, it is that the question of intent has nothing to do with the matter. Again and again it has been laid down by the Judges, as in the case of the hon. Member for East Mayo (Mr. Dillon), that the question whether the hon. Member had good or bad motives did not enter in the least into the question; they said it did not matter whether he had the best motive, or the worst in the world; but that the mere fact that he had incited tenants to combine for a reduction of rent constituted a crime. I cannot help expressing surprise, as some hon. Members on this side of the House have already done, regarding the statements made with reference to the *dicta* of the Judges. Some of the most ridiculous and preposterous *dicta* which have been heard of in the criminal history of the country for the last six centuries have been revived during the last three or four years; and the Judges are progressing from bad to worse in this respect. Five or six years ago they began by reviving obsolete statutes of Edward III. and Charles I, while the doctrine of the inherent jurisdiction of the Court of Queen's Bench to bind a man to the peace with the alternative of imprisonment—a jurisdiction never heard of in England since the days of the Aula Regis—was only introduced last winter. Some of us were amused to-night at hearing an hon. Member representing one of the Metropolitan constituencies, and who it seemed to me did not know even as much about agriculture as what is meant by an acre of ground, tell the Committee, the right hon. Gentleman the Member for Mid Lothian, and the right hon. Gentleman the Member for Derby (Sir William Harcourt), the distinction between a strike of operatives in England and a combination among tenants in Ireland. The assumption of the hon. Member evidently was that the tenants in Ireland had no property in the land; but if there has been one thing established, not only by the inquiries of Commissioners, but by the legislation of this House, it is that the land does not belong entirely to the landlord. You talk every day of putting an end to the dual ownership in land, and you talk every day of establishing one instead of two sets of owners—that is to say, you yourselves recognize every day in every word you say that the landlords and the tenants are copartners in the land. It has been established by the Cowper Commission, by the Bessborough Commission, and others, that by reason of the improvements of tenants, which extend from the building of a house, even to the making of the soil, the tenants have ownership in the land; and, according to my reading, it seems to me that the tenants own more of the land in Ireland than the landlords. Consequently, I think it was rather presumptuous on the part of the hon. Gentleman opposite to attempt to set the right hon. Gentleman the Member for Derby right in the matter of analogy between the operatives in England and the tenants in Ireland. I believe that we have now reached a very important point in the discussion of this Bill. One would have thought that the Chief Secretary, in the course of his speech, would have condescended to use some arguments in support of his case. He did not, however, attempt anything of the kind; he relies upon his own *ipse dixit,* which seems, in his mind, to settle everything. He made a remarkable observation to-night, taking it for granted that everyone would believe it, because he said it, though without proof. He referred to the case of Murphy, who was murdered, and he said that, without a clause of this kind, that case could not have been inquired into. The man Murphy is supposed to have been murdered in consequence of something in connection with the hiring and letting of land; and the right hon. Gentlenman's argument was that, if you could not bring those matters within the scope of the 1st clause, you could not inquire into the murder at all. Was anything ever said so preposterous as that? It is surely the fact that a man has been murdered that is to be inquired into, and not merely whether Murphy had displeased his neighbours by hiring or letting the land. Under this Bill you can inquire into any murder in Ireland, whether agrarian, political, or other; and, consequently, I think that the argument of the right hon. Gentleman is nothing less than an insult to the intelligence of the Committee. As I have said, we have arrived at an important stage of this Bill. The Amendment before the Committee lets us know exactly where we stand, and places before the Committee and the country what is the exact character of the measure we are asked to pass. The Bill is defended on the ground that it is to be applied to crime and criminals. Now we know that that is not the case. We know perfectly well that, in addition to crime and criminals, amongst the objects aimed at are combinations unaccompanied by violence; and, that being so, I am afraid that the character of the opposition to this measure will not be mitigated in future; I am afraid that a good many Irish Members who have not taken any part yet in the discussion will be induced, owing to the rejection of this Amendment, by the prompting of their consciences and the duty which they owe to their constituents, to take their part in opposing this measure to the very last, no matter what the consequence may be. The character of the Bill is now known; it is one of naked tyranny; it has been proclaimed to be of that character by the statement of the Chief Secretary for Ireland to-night, and it was so proclaimed in the speech of the Attorney General, when he refused to answer the plain question put to him by the righ hon. Gentleman the Member for Mid Lothian, whether this Bill would be applicable or not to Boycotting unaccompanied with violence or intimidation? I think that the miserable attempt of the Attorney General to evade that question conveys to all minds the knowledge that this Bill is not intended solely against criminals, but against peaceful, social, and political combinations which in England would be protected, and which I hope will continue in Ireland despite this law.

MR. EDWARD HARRINGTON (Kerry, W.): I desire to draw the attention of the Committee to the state of the House night after night, when these matters, which we think it necessary to discuss, are brought forward. I do not say that this is on account of any Boycotting or exclusion directed towards myself; but it is a painful and dreary task to stand up and address an empty Treasury Bench, or a solitary Minister keeping watch upon it. Knowing that the Government will bring every influence and pressure to bear upon their supporters to refrain from giving their honest opinion with respect to this Bill, we have carried before our faces the very practice which the Government profess to be going to put down in Ireland. A few moments ago an hon. and learned Member opposite, who desired to enlighten the Committee by a statement of his views, was at once extinguished by the Attorney General; and I recall the fact that, on the occasion when Irish Members were speaking the other night, the officials of the Tory Party got behind the Speaker's Chair and beckoned out their supporters, so that they might not hear the arguments which we had to urge against this measure. This system of manufacturing Crimes Acts is, I maintain, un-Constitutional. It is therefore hard for us to have any respect for the Bill; and although it is hopeless for us to seek to amend it, I think we cannot be blamed if in the absence of reply to our arguments, we indulge in reiteration, with the hope that something in the nature of an answer may be brought forward.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present, Mr. EDWARD HARRINGTON said: The Amendment which we are now considering runs as follows:—

> "Provided that no examination under this section shall be held in respect of any matters relating to public meetings, or transactions relating to the letting, hiring, or occupation of land, or the dealing with, working for, or hiring of any persons in the ordinary course of trade, business, or occupation."

We have from time to time been accused in this country, and in this House more or less directly, with being men who, in our hearts, sympathize with crime and violence; we have been accused of encouraging and inciting to crime in Ireland, and our opposition to the Bill is condemned as opposition for the purpose of sheltering crime and criminals. We say to the Government now that our attitude will be seriously affected by the position which they have taken up. We say, as you have conceived it to be right to bring in this Bill, and embarked in the pursuit of criminals, we will offer no opposition to you, provided that you honestly confine your investigation to crime and the cause of crime; but if you use the measure for political purposes then we shall oppose you. Common prudence would, I should think, dictate to the English Government that the greatest danger to social order would result from the fusion of crime and political offences. We are not now, as I take it, on the question of the extent to which this measure shall deal with political offences, and of the extent to which it creates new crimes. We are on this point—the working of the Secret Investigation Clause, and the use which will be made of it in Ireland. And while we are not, for a moment, contesting your right to change your venues for the trial of political prisoners, and to convict them in the ordinary Courts if you can, we object that if you refuse the present Amendment we shall be handed over to the Resident Magistrates, who will consider every act that displeases them an offence, and proceed to apply this torture clause for the purpose of investigating it. What are the things which are sought to be excluded from this inquisitorial process? They are public meetings, the letting and hiring of land, and matters of that kind. Hon. Gentlemen opposite may say that the Resident Magistrates will not seek to inquire into matters respecting which there is no need for inquiry. But we are certain—we expect, and we have reason to believe from experience—that the Resident Magistrates will use these powers for breaking up every legitimate conspiracy—if I may be allowed to use that expression—every legitimate combination of tenants to obtain a fair reduction of rent. If you want to punish a man for speaking at a public meeting, why do you require an inquisitorial clause of this kind? In the first place, the Government have their reporters; you have the speech printed probably in the newspapers; thousands of people are present, for meetings in Ireland, unlike meetings in England, which are made up by means of tickets of a spurious character, are held in the open air; everyone is safe, although he may hold opinions hostile to those who convene the meeting. Why, then, do you take powers to apply this clause to public meetings in Ireland? Then with regard to the combinations of tenants. I cannot enter with authority into these legal matters; but will it not be held that it is right for the tenants to combine for their own protection, just as much as it is right for the landlords to combine for theirs? It must be so; and yet, because it is held by the Judges of Ireland that because their rents are fixed according to a form of agreement recognized by the law, it is said that the landlords have the right of entering into combination to maintain their rents, and that the tenants are wrong, because they seek a reduction adequate to the depression of the times. The opinions of the Judges in Ireland have been quoted, which declare that any combination of tenants to injure their landlords is an illegal combination, and we know the meaning which they attach to the word "injure," because they have defined it as injury to the pocket of the landlord. Suppose that three, four, or six tenants have an aggregate rental of £100 to pay; if they think that the depression of the times makes it necessary to demand a remission of 35 per cent, according to the *dicta* of the Irish Judges that would be a combination to injure the pocket of the landlord, and, consequently, an illegal combination and a criminal offence. We are not at the moment on the question whether you should punish that combination; we are on the question whether you ought to demand this power of secret inquiry into it—the question of punishment is a wider question, and will come up hereafter. Now, if only the poor men on an estate combine, they will not get what they want, because the landlord knows that they have no money. The landlord knows to the last farthing what is in the till of the tenant; he knows when the postal order comes, and when the greenback comes from America; he has information on all these points; he knows the men who cannot pay him, and against them he will not proceed, because their combination, as far as he is concerned, is perfectly harmless. But let the man say, "I have a few pounds by me that is not made out of the land," and what happens? It has been laid down to-night that the moment a man who has a little money in his pocket enters into combination this clause is to be applied. Let me state what is the chief objection on our part to the use of this secret inquiry. It is not that we think there is anything discreditable or criminal in the combination of the tenants, and it is not that there is anything that we need fear, or be ashamed of disclosing before the world; but where tenants combine to keep in their own pockets, or place in the hands of a trustee, their money, we object that the power of secret inquiry shall be applied for the purpose of finding out where it is, and putting the men in gaol until their rent is paid. We know that it has occurred time after time that a tenant who has claimed a reduction of rent has been told by the landlord or his agent that if he did not pay he would be put into gaol within the next 24 hours. Do we not know that under the present Tory Government a Government representing the class interested in land in this country and in Ireland, and a Government which thinks it fit and right to give honour and place, if not emolument, to some of the Representatives of the worst rack-renting landlords in Ireland—have we not reason to believe that under such a Government this measure will be used for the purpose of torturing the tenants who enter into combination? Have we not reason to believe that this clause will be used to find out whether there is combination? The practical working of the Act will be this—that where a local landlord finds that his rent is not forthcoming he will instantly go and button-hole the Resident Magistrate, who will get his printed form of authority from Dublin Castle to hold his secret inquiry, and, to break the ring, summon the tenants before him, who, because they make it a point of honour not to divulge what they know about a perfectly legal combination, will be sent to gaol as an example to terrify others who resist the payment of rent. As I do not want to detain the Committee at an inconvenient hour, I will not go farther into this matter than to say that any Government pretending to have before it the idea of maintaining law and order does a wrong thing when they begin to mix up political offences with crime. If there is one thing which you have failed to learn in Ireland, it is that your political opponent, who honestly speaks out his mind, is a person of very different class from those who commit crime. If the Government really intended to use this clause for the discovery of crime that has been committed; if they intended to use it with a view to elucidate and investigate the grave crime which has stained the country, we should have no moral ground to stand upon in opposing them, however un-Constitutional might have been their manner of proceeding; but now we have this ground—that, in the first place, they are un-Constitutional, and that, in the second place, they are confounding together the criminal and the political opponent. You are going to place, side by side, the man who has, perhaps, committed a crime of a disgraceful character—who is possibly spotted with blood—and one of those whom the people of Ireland have learned to respect as their champions. It is for this reason that we ask you to accept the Amendment of the right hon. Gentleman.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. M. J. KENNY (Tyrone, Mid): I understand the object of the Amendment of the right hon. Gentleman the Member for Derby (Sir William Harcourt) is to provide that the interpretation of the law in Ireland under this Act shall be identical with the interpretation attached to analogous Statutes in this country. Now, Sir, seeing that this is an exceptional law, it appears to me to be reasonable to demand that no unusual and inconsistent interpretation should be placed upon any portion of it. I believe that part of it is most liable to abuse at the hands of the Resident Magistrates, who are all persons, almost without exception, in an eminent degree unfitted to express anything like a sound opinion of a Statute. The principal danger will be that these gentlemen, acting on their own responsibility and power, and, it may be, on their own initiative, will place an interpretation on this portion of it, such as used to be placed on the Trades Unions Act at first even by the Judges of England—whose interpretation was so wrong in itself that a subsequent Act had to be passed by this House for the purpose of explaining its meaning. I say that when persons in the positions of Judges in this country, who have no object whatever to serve, who have no object even to consider, save a just and fair administration of the law—when these gentlemen of the highest legal eminence and of the greatest ability have involuntarily fallen into error in the interpretation of such an Act, and to such an extent as to necessitate the passage through this House of another Act to explain the previous one, it is only reasonable to infer that Stipendiary Magistrates in Ireland, who know nothing about law, and who are entirely unable to pass anything like an authoritative opinion as to the meaning of an intricate or vague section of an Act of Parliament—it is only fair that these gentlemen should be aided by the Legislature to this degree, that the Legislature, as far as it possibly can, in the drafting of the Bill now going through the House, should be so explicit that even the mind of an Irish Stipendiary Magistrate will not be able to place a false interpretation on its meaning. We heard to-night from the hon. and learned Attorney General for England (Sir Richard Webster) a disquisition as to the relative meaning of the terms "conspiracy" and "criminal conspiracy." I do not know that it would be possible to differentiate closely between the terms conspiracy and criminal conspiracy, because really the conspiracy which is principally known to the law of this country is criminal conspiracy, because if the conspiracy is not a criminal conspiracy—except in a few instances—it does not come before the notice of the Courts; and this is a Bill dealing exclusively with the Criminal Law. In conspiracy under the Civil Law, there is, of course, an extremely wide interpretation placed on the term; and the English law, so far as I understand it, affords no special encouragement or facilities to persons who pursue criminal conspiracy, who are only guilty of what we may term an ordinary conspiracy, which is not, by itself, either by its aims or objects, anything in the nature of a criminal conspiracy. But, Sir, the very discussion as to the relative value of the two terms, "conspiracy" and "criminal conspiracy," is reduced to a minimum of importance by the fact that the policy of the Government avowedly is to treat all conspiracies in Ireland in the same manner, and to make ordinary conspiracies, which, by the law of England, are not criminal offences, and by offences crimes—because that is the gradation which the Government have adopted, thereby including all conspiracies, no matter what their character, as criminal conspiracies with the passing of this Act. I consider that course is a most mischievous and most deplorable course. It is a course which would not be tolerated for a single instant in this country. There is not a Judge on the English Bench that would for a moment tolerate the idea of treating in the same way ordinary conspiracy—which may only amount to competition in the way of trade—and conspiracy for a decidedly criminal object. I was looking only to-day at a case tried in the London Courts not many years ago, where it was decided that if the plaintiffs had sustained damage an injunction might be given restraining the defendants from the objectionable course; but the onus of proof would be thrown on the plaintiffs before an English Judge would issue an injunction to restrain the defendants from doing the thing complained of. We know that the principal object of this clause in its application to the state of affairs that may exist in Ireland will be in regard to combination on the part of tenants to induce, or persuade, or compel—if you like—the landlords to make reasonable abatements in their rents. Now, the hon. and learned Attorney General to-day differentiated between the two terms "induce" and "compel." He did not make the distinction clear; but when he referred to the compulsion of the landlord to accede to the demands of the tenant, he said that any attempt to keep money belonging to the landlord out of his pocket would be a conspiracy within the meaning of this clause, and might be proceeded against accordingly. Now, it is extremely risky to leave to the magistrates in Ireland the interpretation of the terms "inducement" and "compulsion," because we believe—in fact, we know—in the case of Ireland there has been no endeavour made to compel, by unlawful means, landlords to yield fair terms to their tenants. This has never been the practice in connection with the Plan of Campaign, against which this Bill is directed. It does not adopt a method of compulsion at all, but a method of reasonable inducement and persuasion, because it only keeps the money out of the landlord's pocket so long as he remains recalcitrant, and the moment he comes to a more reasonable frame of mind—as did Lord Dillon in the County Mayo—the money immediately passes into his possession. Lord Dillon could not complain of the Plan of Campaign, or of the manner in which his rents were collected. We have a declaration of the law in Ireland which is not a declaration that you can find in England. You can find no such declaration of the law in England; but you can find a declaration of the law in Ireland which will be brought to their assistance, which will be printed in Dublin Castle, and circulated among them for their guidance, and that is the Charge of Judge Fitzgerald in the case of "The Queen *v.* Parnell." The words of Judge Fitzgerald cannot be too often quoted. He said—"Gentlemen, I declare to you that it is a criminal act to agree;" and then he goes on to give his definitions of criminal conspiracy, the third of which goes to show that an act which may be proper for a single individual to do becomes a crime when done by two or three; and that judgment applying to persons who were at the time agitating to bring about reductions of rent in Ireland will, of necessity, be cited by every Irish magistrate for the purpose of showing that the clause ought to apply in the case of ordinary conspiracy, and that the public examination ought to take place. Now, Sir, it has been contended that there is no analogy between the cases of trades unionists and the case of tenants in Ireland. Well, the case of tenants in Ireland may not afford a perfect analogy. It is difficult to find a perfect analogy between those who earn wages for themselves and those who earn an income for others, and receive no direct wages in return by that process. But I would suggest to the Committee that they may find something of an analogy in the case of the employment of waiters in this country. I understand that it is, in some instances, the custom for waiters to pay for being allowed to serve in hotels and restaurants. We will assume that this is the system in Dublin. Let us suppose that the waiters in one of the principal hotels, where they had to pay £1 a-week, put their heads together—or conspired—to reduce this amount to 10*s.* a-week. A Resident Magistrate, under this clause, would have a perfect right to hold a private inquiry, and examine these men successively as to the nature of their acts, their conversations, and their arrangements, and on their refusing to answer he might commit them to gaol from week to week, practically for an indefinite period. That, I think, will form a perfect analogy. But assume that anything of that kind was tried here in London, or in any part of England, what would be the opinion of the public with regard to it? Yet it is just as unjust to apply that system to the tenants of Ireland as it would be to the waiters in a London hotel. If the Government had any intention of observing the difference between conspiracy and criminal conspiracy — which the hon. and learned Attorney General insisted on so strongly—they would not have the slightest objection to accepting the Amendment of the right hon. Gentleman the Member for Derby; and we must only expect this—that the Bill now before the House, instead of being aimed at the suppression of crime in Ireland, will be used, as Sir George Trevelyan has pointed out over and over again since the Bill came before the House in his speeches throughout the country, at political combination. It is aimed at the political opponents of the Government, and it is against men of that class, and not against criminals, that the Bill will be principally put into operation. Well, Sir, that being the case, as I am fully persuaded, I have only to say this—that any man summoned before any of these inquiries in

Ireland, ought, as an honest Irishman, to refuse to attend. If, then, viewing the practice on the part of the Government, which amounts to the grossest terrorism, which is invented to intimidate the people under the guise of promoting the preservation of the law—if men see that system adopted by the Government, it is, I say, their bounden duty not to give countenance or toleration to the system, whatever the consequences may be to themselves. They should refuse to attend and refuse to recognize the Court. They should reject it, as others have rejected illegal Courts before. They should repudiate the Court, and should seek to destroy it, as Englishmen, generations ago, sought to destroy the Star Chamber; and I tell the Government that if ever it should come to my lot to be summoned before one of these Secret Courts to give evidence against anything that has happened or is happening I should distinctly refuse to attend such an inquiry.

Mr. MOLLOY (King's Co., Birr): Whatever doubts there may have been in the minds of hon. Gentlemen as to the real objects of this Bill, the speech of the hon. and learned Attorney General must have set them at rest. I listened with all the attention I could to the observations of the hon. and learned Gentleman this evening, for I was anxious to ascertain from him, speaking as he was on behalf of the Government, what were the avowed intentions of the Government on this subject; and, therefore, I listened, and, as far as my abilities would allow me, endeavoured to understand the explanation which he gave. But, Sir, as I listened to his speech I gradually became aware of the object which was in the hon. and learned Gentleman's mind—namely, that he was anxious to evade the questions at issue. He was splitting hairs from beginning to end. His speech reminded me forcibly of the pains which young counsel recently called to the Bar take to prepare a statement when called upon to give an opinion. They strive to offer an opinion which, whatever shall be the result of the case, will show that they were equally protected in giving that opinion. In reply to the straightforward question of the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) and of the right hon. Gentleman the Member for Derby (Sir William Harcourt) he made statements which were vague to the last degree. Even he himself will admit with me that I am correct in supposing that if a verbatim report of the hon. and learned Gentleman's speech is made to-night it will not find its way into *Hansard* without very considerable correction. The questions which were put to him were plain and simple. There are combinations existing in Ireland at the present moment—combinations of different characters and for very different objects, but all in the same direction in one sense. Now, we have a combination of landlords in Ireland—a combination for self-defence. We have this combination, the aim and object of which, from beginning to end, is to bring whatever influence they can exercise on the country, with the assistance of the Government or without it, to enforce the payment of rents which the tenants, looking to their own interests, regard as excessive. Now, the combination exists at the present time; but during the whole course of this debate—I do not mean this evening only, but the whole course of the discussion on this Bill—while they have over and over again denounced the combinations of tenants, they have never in any single instance attempted to cast any suspicion upon the combinations of landlords in Ireland. Now, the object of the combination of landlords in Ireland is, as I have said, identical with that of the combination of tenants. There is, unfortunately, a depreciation in the value of land in Ireland. The landlords, on the one hand, have inherited not only their estates, but all the circumstances that surround the holding of property in Ireland at the present time. In the same way, the tenants have inherited the tenancies, and the aim and object of all these associations and combinations is to see how much money can be got on the one hand, or saved on the other. So far as I can see, looking at the matter fairly and calmly, there is no difference between the combinations on the part of the landlords and the combinations on the part of the tenants, which exist at the present time. Both are trying to get that unfortunate difference—the rent—a difference which is equally necessary both to the one and to the other. In the observations of the hon. and learned Attorney General to-night there is one remark which struck me very forcibly. He spoke vehemently, and made all the appearance of giving the fullest possible information upon the subject. So far as I understood him, he gave no interpretation at all of the objects of this Bill or the real intentions of the Government. Towards the close of his remarks he stated that the Government never did intend to coerce or interfere with—that is, so far as I understood him—the combinations of tenants for the purpose of bringing about reductions of rent in cases where tenants are unable to pay it. The hon. and learned Attorney General vehemently said—[*Cries of* "No, no!"] Am I wrong in the interpretation I put on the hon. and learned Attorney General's speech? [Sir RICHARD WEBSTER: Yes, certainly.] Of course, if the hon. and learned Gentleman says that, I am bound to accept his statement, and I do accept it. But I did not understand him in the least degree to say that when he spoke. But when you put in your proviso as to giving up the holding you alter the whole question. You make a difference that is impossible, because the giving up of the holding means the giving up, on the part of the tenant, of an absolute interest. Therefore, this was one of the provisos attached to the explanation of the hon. and learned Attorney General with which I am endeavouring to find fault. If you say to tenants having a large interest, by Act of Parliament, in the land, when they have combined not to pay the full rent demanded by the landlord, but who are willing, on the other hand, to give up the land to the landlord, that it is not conspiracy—why, it is not worth the while of the hon. and learned Attorney General to get up and make such a statement in this House. If that is the explanation he wishes to give to the Committee, it seems to me that the explanation is futile in the last degree. But I will take it in the sense in which I understood it, for the purpose of argument. I maintain there is no law against the combination of tenants for the purpose of obtaining a reduction of rent from the landlord—that I maintain, notwithstanding anything that the hon. and learned Gentleman may have said on the subject—though, no doubt, it may be presumptuous in me to do so. The landlord has always his claim at law against his tenants. But the tenants, we say, are rack-rented and unjustly rented, and to say that they have no right to combine in order to secure a fair reduction of rent, and to say that such a combination is a conspiracy—to adopt the new language of the Government on this matter—is a doctrine that I, for one, cannot for a moment accept; for if you start by saying that such an act on the part of a number of tenants would involve them in the penalties of your criminal conspiracies, you are bound, on the other hand, to apply the same law to the landlords. The landlord has his interest, and the tenant has also his share of interest in the law; and, therefore, if it is wrong on the part of the tenant to combine for the purpose of securing a reduction of rent, is it not equally wrong, on the part of the landlord, to continue to force from the tenants the payment of rent which the land has never yielded? But the hon. and learned Attorney General went on to say that there was a great difference between a number of tenants capable of paying their rents, combining to refuse to pay them, and a combination on the part of tenants who had no money to pay. The hon. and learned Gentleman does not deny the correctness of the report I give of his two points. But what earthly difference can it make in the case of a number of tenants declining to pay their rent if some of these have money and some have not? If you said that the money had been earned out of the land I could understand your contention; but it often happens in Ireland that the money with which the tenant has to pay a rack-rent is not money which has been gained from the land, but is money which has been obtained from other sources, and it seems to me that if you draw a distinction between the two classes, it is not a fair distinction in any sense, because in most cases the money which tenants may have in their pockets is money that never came out of the land, but which came from America. Since 1848 the sum of £50,000,000 has been sent by Irish people in America to their unfortunate relatives in Ireland, and the greater portion of that £50,000,000 has gone into the pockets of the landlords in rack-rents; so that the doctrine that the hon. and learned Gentleman lays down in making a difference between combinations of tenants who may have money in their pockets wherewith to pay their rents and combinations of those who have no money amounts to this—that if the law is unable to produce such a result as will enable the tenant to pay the landlord's claim in full, whatever his case might be in the eye of the law if he had no money, it is altered by the fact that money has been sent him by his relatives in America. So far as the explanation of the hon. and learned Gentleman went to-night, it really amounted to nothing; and if, as I have said, his speech were taken down verbatim, and were printed, there are no two Judges or magistrates who would agree upon any single decision, if based upon the speech of the hon. and learned Gentleman. This is a Bill which has not been introduced for the purpose of suppressing crime. It has been practically admitted by the Government that there is no crime in Ireland. This Bill is introduced for the purpose of upholding one section of the people against another. It is a Bill introduced—as is shown by the refusal of this Amendment —for the purpose of maintaining the rack-rents of the landlords in Ireland, and for the purpose of giving landlords the power of enforcing the law in order to drag out of these unfortunate people not only the money that the land may have earned, but the money they may have obtained from other sources. The discussion to-night also shows what is nothing new to me—for it was my opinion from the very first—that the second object of this Bill, now scarcely denied, but almost openly avowed, is to put down political opponents of the Government in Ireland. As the hon. and learned Gentleman has said, it scarcely seems worth while to argue at all. We shall all say that—not merely those who represent Irish constituencies on this side of the House, but you who represent English constituencies—when you pass this Bill, however you may torture the law to give it an outward appearance, your difficulties will not be at an end. Your real difficulties will begin the moment this Bill becomes law. You will go to Ireland and endeavour to put into operation the iniquitous clauses of this measure; but I feel perfectly convinced that you will fail.

Mr. FLYNN (Cork, N.): If any doubt remained in the mind of any hon. Gentleman in our portion of the House as to the real intentions of this Act, it would be removed by the reception which the Government have given to the Amendment now before the Committee. Why, the Members of Her Majesty's Government have over and over again sought to assure the Committee that there is no intention under this Act, or under any portion of it, to attack political parties, or crush political assemblies which meet for lawful purposes. Now, Sir, that being so, I cannot see, reading this Amendment, what possible objection the Government can have to its acceptance. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour), to my mind, devoted the larger portion of his speech to the manner in which this Amendment was drafted; but he did not once attempt to grapple with the very great principle that is involved in it. He passed some very pleasant criticism on the manner in which the right hon. Gentleman the Member for Derby (Sir William Harcourt) drafted this Amendment. He referred to "the looseness" of it, and to the fact that, if adopted and embodied in the clause, it would utterly nullify various other portions of the section which have already been passed through Committee. But even if this were so—if we could allow for a moment that this is the case—it would still be quite within the province of Her Majesty's Government to accept the spirit of the Amendment—to accept its scope, and and move the Committee to alter certain words in it. But it is quite evident, from the attitude of the right hon. Gentleman and others who have spoken on behalf of the Government, that the intention of the Government is to strike at political opponents and crush political associations, so as to render impossible the lawful combination of tenants, or other bodies of people in Ireland seeking to do that which is at present lawful and just. I do not see how the powerful arguments brought forward by the hon. Gentleman the junior Member for Northampton (Mr. Bradlaugh) can be met by hon. Gentlemen on the opposite side of the House. He has proved to demonstration to-night that in the eyes of the law there has never been a distinction between combinations of two or more persons for unlawful purposes and combinations for a lawful purpose; and, therefore, the Conspiracy Clauses of this Bill contain provisions of the greatest possible danger to the people of Ireland. As far as I understand the language of the hon. and learned Gentleman the Attorney General for England and of the right hon. Gentleman the Chief Secretary for Ireland, they both maintained this evening that there is no desire whatever on the part of the Government to suppress any combination of the tenantry of Ireland seeking for a reduction of rack-rents. But, Sir, when this law comes to be interpreted, the Resident Magistrates who will get the parties brought before them are the Resident Magistrates who will hold the private inquiries. They will not turn up the pages of *Hansard* to see what right hon. Gentlemen have said—if, indeed, they should take any cognizance whatever of anything which has been uttered in this Committee. What they will look to are the words of the Statute which they will have before them. I would ask the attention of hon. Members to this fact—that all the knowledge and experience we have of magistrates and officials in Ireland emboldens us to say that they will give the widest possible interpretation to this Act in their own interest; that they will make the net as wide as possible so as to bring in every possible case or offence; and that they will make its meshes so small that not the most innocent man will be able to escape. We know the spirit which actuates the men who will have the administration of this Act, and I join with the hon. Member for Mid Tyrone (Mr. M. J. Kenny) in saying that if this 1st clause passes unamended, if the Government do not accept such an Amendment as this brought forward by the right hon. Gentleman the Member for Derby, the duty will be cast on every Irishman of spirit, upon every man of honour in the country, to treat this clause of the Bill with utter contempt—in his own person if it should become necessary, and in the persons of those over whom his advice has any influence. The Irish people must treat with contempt, and refuse to appear before, a Court of Inquiry instituted in such a manner, and empowered to deal in such an infamous way with the lives and liberties of the Irish people.

MR. H. J. GILL (Limerick): We, on this side of the House, have made various appeals to the Government to agree to this Amendment. If they will not agree to the whole of the Amendment, let them, at least, indicate their willingness to agree to a portion of it. Let us, at any rate, distinctly know what the clause deals with. The only concession which has been made by the right hon. Gentleman the Chief Secretary for Ireland, and which has also been announced by the right hon. Gentleman, was that imprisonment under this clause might be subject to appeal. Well, we all know of the "law's delays," and if an innocent man, on account of not answering certain really illegal questions, is sentenced to a month's imprisonment with hard labour and a plank bed, what consolation will it be to him if at the end of the month, after he has gone through his punishment, it is decided that he is really not guilty of what he has been imprisoned for? I think we ought to ask the Government to adopt some alteration whereby it will be immediately heard, so that a prisoner will not be obliged to put in his imprisonment before his case can be decided. We all know, as I have said, of the law's delay, and with the law of Ireland administered, as at present, altogether in favour of the landlords and against the tenants, we can very well form an idea as to what will happen. It has been said that there is no analogy at all between Trades Unions in this country and combinations of tenant farmers in Ireland. An hon. Member said that when labourers or workmen in England struck they only withheld their own, whereas when the tenant farmers of Ireland struck they retained the land belonging to the landlord; but this I believe to be a vague and fallacious point of view. In a great number of handicrafts in England, we all know that the men supply and own their own tools, and when they strike in a factory or workshop they take their tools with them. Well, what are the tools of the tenant farmers of Ireland? They are the barns in which they keep their grain, the stables and stalls in which they keep their cattle, and the places in which they keep their hay and straw. These are their tools, and they are their own just as much as the tools of the artizans in this country are their own individual property. The artizans of this country can take away their tools when they strike; but, unfortunately for the poor tenants in Ireland, their tools are fixtures, and they cannot take them away, although, as I have said, they are as much theirs as the tools of the artizan are his property, and they have just as much right to retain them—I do not say legally, according to the English law, but morally—they have just as much right to retain their tools as have the artizans to keep possession of theirs. I would give an instance in point from the Woodford evictions. The first three or four tenants against whom writs of eviction were issued owed the landlord something like £150; but it turned out that they had property in the shape of farm buildings and other fixtures, which had been erected by themselves or their predecessors, and these were calculated to be of the value of about £600. Still, the landlord could evict them to get the £150 which he claimed as due to him, and on this plea he could actually rob these poor people of £600 worth of property that belonged to them. I think here is an exact parallel between the two cases—the case of the tradesmen in England, and the case of the tenant farmers in Ireland. In both cases the men only tried to raise their wages. The workmen tried to raise their wages directly by getting higher pay; on the other hand, the farmer, ekeing out a miserable livelihood, and making 30 or 40 or 50 per cent out of his farm, tried to raise his wages indirectly by getting his rent reduced, and obtaining more to live on than he had hitherto possessed. We want this clause to be explicit—a result to be attained by the acceptance of this Amendment—so that it will be known exactly what is to be dealt with. We know the great latitude that is taken even by Judges in deciding upon legal points, and if even Judges experience this great difficulty, what must be the danger of a strained or wrong interpretation in the case of magistrates who, in a great number of cases, have no legal knowledge or training whatever? A case in point, illustrating very forcibly what I am saying, occurred with regard to the Land Act of 1881, when the late Lord Chancellor Law, who actually saw that Bill through this House, and who was perfectly intimate with all the intentions of the Government in passing it, sat on the Bench with two other Judges when a case under it came on for trial. It was the celebrated case coming under what was known as "the Healy Clause." The contention was that the tenants were not entitled to have their rents raised on account of their own improvements or the improvements of their predecessors. I say that, although Lord Chancellor Law was on the Bench, the other two Judges actually decided against what they knew to be the exact object of the Bill; and by doing that they inflicted great hardship on a great number of tenants in Ireland. There, I say, is a case in point—one of them, a Lord Chancellor, could not agree upon the point of law. How, then, can it be expected that on all these points with regard to conspiracies and public meetings which are touched upon by this clause the Resident Magistrates can come to a reliable opinion, unless everything is laid down in a clear, and distinct, and emphatic manner? Consequently, I think we are within our right in endeavouring to induce Her Majesty's Government to express their object definitely, and to lay down the law as they wish it carried out, so that the Act may not become an instrument of tyranny against the Irish people. At least let them take precautions to see that this tyrannous measure shall not press too heavily upon the people. I thank the right hon. Gentleman the Member for Derby for trying to insist on the Government's acceptance of this Amendment, so that the section may not press with undue severity on the people of Ireland.

MR. J. O'CONNOR (Tipperary, S.): We have heard a great deal this evening about Boycotting and conspiracy. Well, I think we have had some conspiracy here this evening—I will not call it a criminal conspiracy. At any rate, there would seem to be an agreement on the other side of the House to Boycott this side. The Benches opposite were empty for the most part of this discussion—I suppose it is that the discussion is not sufficiently exciting for hon. Gentlemen opposite. According to the law laid down this evening, conspiracy is an agreement to do something, but when there is no criminality attached to it it becomes a combination; herefore, I would say that hon. Gentlemen opposite are a combination, and not a conspiracy. But you see what a wide field the interpretation of this Act has opened up—the interpretation of the hon. and learned Gentleman the Attorney General. It has opened up a wide field of speculation as to what conspiracy is and what combination means. Now, this Amendment seems to me to be a very admirable one, because I find in the 1st clause of the Act and the 5th sub-section these words—

> "The offences to which this section applies are any felony or misdemeanour, or any offence punishable under this Act."

Now what does "any offence punishable under this Act" mean? What are these offences? They are stated in the next clause. In the 1st sub-section we see that it is to be applied to "an offence which is calculated to interfere with the administration of the law." This is a very flexible sentence, and may be applied to anything. Why, Sir, in our experience we have found very wide interpretations put upon what is called "interference with the administration of the law." Let us suppose a number of tenants are asking for a reduction in their rents. Let us suppose that they are not able to pay the rents, and are being evicted. Why, Sir, if any charitably-disposed person, or any charitable association, attempts to erect a hut, in order to shelter the evicted tenants, he or they may at once be described by the Resident Magistrate as "interfering with the administration of the law." It will, perhaps, be said by hon. Gentlemen on the other side that this is a purely imaginary instance on my part. No, Sir; it is not imaginary. Sir, that interpretation has already been placed upon the ordinary law of the land. I can remember very well—in the year 1881 I think it was—when the tenants of Lord Cloncurry were being evicted, that an association—I believe it was the Ladies' Land League—sent down a number of huts to shelter the people; but one of the magistrates—whose name is pretty familiar to the House, Mr. Clifford Lloyd—decided, in his great wisdom, that the erection of these huts, in order to shelter these people, would be interfering with the administration of the law, and would be, in itself, an act of intimidation. The huts were sent down, and they remained on the side of the road, whilst the people were shivering with cold; and it was not until a brave lady seized the reins of the Lord Lieutenant's horse in Dublin that the whole state of things was altered, and the huts allowed to be erected, and that Mr. Clifford Lloyd was censured for his over-officiousness. Well, we go on to see what are the other offences to which this section is to apply, and which may be considered an "interference with the administration of the law." We see in Sub-section (a) of Section 2 of the 2nd clause that it is laid down as an illegal act—

> "To cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do."

Now, how is this likely to apply in practice? We will suppose another case. I will put a case in point that came under my own notice, and within my own experience, lately—the case of the tenants on the Kingston estate in the County Cork, who combined for the purpose of obtaining a reduction in their rents. In this case the Land Court declared, in 1881, the rents of these people to be 30 per cent over what was a just rent, and since that time a Royal Commission has declared that the value of land in Ireland has decreased by about 20 per cent, and consequently these people are rack-rented to the extent of 50 per cent. They combined to ask for a reduction of 20 per cent, but before that combination took place they were visited by certain Members of this House. These Members visited the tenants in order to inquire into the justice of their demands before the Plan of Campaign would be put into operation, and they had to encounter the hostile activity of the police of the district. They were hunted from pillar to post; they had to travel over mountain and moor land pursued by constabulary. Well, if this Act had been in operation, and if this clause in its present form had applied, no doubt the powers they contain would have been exercised in order to deal with the action of the Members of this House to whom I have referred, and to deal also with the tenants on the estate seeking for a reduction of their rent. The investigation would take place under the 1st clause of the Bill, and I have no doubt these Members of Parliament would be now suffering the pains and penalties which they would have incurred as having offended against this Act. But, Sir, we have contended all along that it is for the purpose of keeping up the standard of rent that this Act has been conceived, and is about to be put into operation. But have not the landlords already sufficient guarantees for the collection of the rents? Have they not the power of eviction? Cannot they exercise all the legal power that they already possess for subjecting the tenantry of Ireland to all the pains and penalties which are to be incurred by combining together in order to get their rents reduced? Now, there is another offence which must be considered as interfering with the administration of the law to which I would refer. Sub-section 3 brings under the operation of the Act any person "who shall take part in any riot or unlawful assembly." What is an unlawful assembly in Ireland? Who is to decide what it is? Why, Sir, according to the practice of the last few weeks, two Resident Magistrates can decide what is an unlawful assembly. We have seen, for the first time in our experience—for the first time in the history of the great movement in which we are engaged—we have seen that it is practically in the hands of two Resident Magistrates in Ireland to declare what an unlawful meeting is. Well, I can quite conceive these Resident Magistrates prohibiting every meeting that could be held for any conceivable purpose in Ireland. It is only a short time ago—in the course of last winter, I think — that we held meetings in Cork that were rudely invaded by the police, and scattered with bayonets and batons without any proclamation at all, without any declaration on the part of a single Resident Magistrate even, but simply upon the word of command of some petty officer of police. I have no doubt, from the manner in which these men have been treated since—the way they have been singled out for promotion by their superiors—that though this action was condemned by the tribunals of the country, I have no doubt, I say, that these Resident Magistrates would have exonerated them from all blame, or that their superior officers, who have promoted them, would have no hesitation, under similar circumstances, in proclaiming the meeting in the first instance which led to their attack upon the people, although those meetings would be perfectly legal in their object. I have no doubt that, under the circumstances, the meeting would be dispersed, and that those who took part in them would be subjected to all the indignities and the punishments legalized in the 1st clause of this Act. Now, we have also had it stated that this Act can be applied to the system known as Boycotting in Ireland. But Boycotting is the outcome of the land movement in Ireland, and so long as the land movement lasts you will have Boycotting. I hold with the statement made by Lord Salisbury in his Newport speech. I hold that as the Crimes Act failed to suppress Boycotting so also will this Act. Boycotting will continue in some shape or other, and this measure will prove quite as futile for the purpose of suppressing it. Now, the combination by landlords has been dwelt on by many speakers in the course of the evening. I think the right hon. Gentleman the Chief Secretary said that this Act would apply to combinations of all kinds. But who is to determine what is an illegal combination of landlords? Who will say that a combination of landlords is illegal? Is it the Chief Secretary for Ireland who will have to settle the matter? Is it the Attorney General for Ireland? Is it the landlords' friends at Dublin Castle? Who will tell me that any of these authorities will say that the Cork Defence Union is an illegal association? And yet it interferes with the administration of the law. I stand under the correction of the hon. Member for Cambridge (Mr. Penrose Fitzgerald) when I say that the quarrel which exists at the present time between the tenants on the Ponsonby estate and their landlord would have been settled long ago if it had not been for the interference of that nefarious institution, the Cork Defence Union, the president of which association sat in this House and listened to the speeches of his distinguished Leaders to-night, and a distinguished Member of which sits behind the Front Bench opposite. No, Sir; the Government will not say that the landlords' combinations are illegal, and I take it that while this Act will be put into operation against combinations of tenants, combinations of landlords will be allowed to take place under the Act. I have no doubt that, no matter how defective and ridiculous may be the means resorted to in order to suppress tenants' combinations, the landlords' combinations will be allowed to go scot-free. I believe the operation of this Act, unless it be prevented by the acceptance of an Amendment such as that before the

Committee, will have a most detrimental effect on the condition of the country. It will simply, as Lord Cowper said before, drive discontent beneath the surface. You are by this Act about to sow the storm, and I have no hesitation in predicting that the Government, if they live long enough, will reap the whirlwind. I believe, however, that the Committee will see the wisdom of attaching considerable importance to the Amendment that is now before us.

MR. T. C. HARRINGTON (Dublin, Harbour): I rise for the purpose of addressing some few observations to the Committee. I shall not intrude for any length of time on the attention of Members, and I think it is not the intention of my hon. Friends to prolong the debate. We have some reason to complain that the interpretation of Amendments of this kind are given by English Law Officers in this House in such a manner that they cannot be availed of by us afterwards in Ireland. It is a very significant fact that while an Act of this kind is passing through Parliament we have an interpretation of the law from English officials which gives, and very fairly, the interpretation of the law as it is rendered by English Judges; but we have no expression of opinion from the Irish Law Officers, who will have to take part in the administration of this Act in Ireland, and whose words we should be able to quote in the future if we saw that an undue or illegal use was being made of the powers contained in this clause. Probably it is not very wise to try to flog a dead horse, and it is hardly worth while endeavouring to draw a nice distinction as to some of these Amendments. What I believe of the Crimes Act is this—that it will be in Ireland whatever the Government like to make it; and no matter what Amendments we may succeed in getting adopted, the Government will still be able to pervert the measure to any use they may desire. If the Government put this clause in force as it at present stands, you will have a state of confusion and disorder in Ireland in regard to associations, organizations, and public meetings; and if there is any Amendment better calculated than another to raise an issue upon this matter fairly before the Committee, it is that of the right hon. Gentleman the Member for Derby (Sir William Harcourt). It fairly raises the question as to whether there is an honest desire on the part of the Government to grapple with serious crime, or whether there is not. If there is a serious and honest desire on the part of the Government to grapple with grave crime, then they will be careful not to pass this measure in such a way that the provisions which are meant to deal with serious crime will be used against offences which, in the ordinary sense of the term, cannot be regarded as crime. Everyone knows that a provision such as this in the 1st clause is an exceptional and extraordinary provision, and one which the Government could not attempt to justify under the ordinary circumstances in any country. Yet it is proposed that this extraordinary power, which amounts to a revival of the Star Chamber, which the Government have brought in, and which they have pretended before the public is meant to deal with serious crime—it is now proposed by the Government that it is to extend to every petty offence—for that I gather from the speech of the right hon. Gentleman the Chief Secretary for Ireland—that whatever can be punished under this Act is also worthy of being inquired into, and being inquired into under the extraordinary provisions which are contained in this measure. Well, I wish to state to the Committee what the inevitable result of that will be. We have every desire to assist the Government, if it is their intention to extirpate serious crime from Ireland. It is our interest to do so more than it is the interest of the Government, and we have always strived to act as far as we could honestly in the endeavour to stamp out serious crime in the country; but the Government, while professing to aim at serious crime, brings into the secret inquiries which will be held all sorts of questions that arise, and all the relations between landlords and tenants; and they bring in, at the same time, a provision which will set the whole of their machinery out of gear. You will have the same machinery to deal with serious crime as you will have to deal with petty offences, and a feeling will grow up in the country that the men who give evidence before your secret inquiries with regard to petty and political offences, which the people of the country do not recognize as crimes, will be regarded as traitors; and in course of time you will be unable to draw a distinction between the man who refuses to allow himself to be examined as to his own or his friends' political action, and the man who refuses to allow himself to be examined where the subject of the examination is a serious and heinous offence against which the whole public opinion of the country might revolt. The Amendment, if adopted, would have the effect of protecting a man who refused to be examined with reference to his political organization, while it would not shelter in the public feeling anyone suspected of being concerned with serious crime. It may not be the intention of the Government to make extensive use of this provision at all. If it is not their intention to do so, I think they will see the desirability of modifying some of its provisions. I would point out to the right hon. Gentleman the Chief Secretary for Ireland that the moment powers like this are put in the Bill and handed over to Resident Magistrates for administration the whole machinery will act in spite of his best efforts to restrain it. Once the machinery is set in motion, once the Irish officials, who have used instruments of this kind before, and who have brought about by their use a state of confusion and disorder in the country which has done greater discredit to the British Government in the country than it has done to the Irish people—once, I say, the machinery is set in motion, no one in the position of the Chief Secretary to the Lord Lieutenant will be able to restrain its action. Now, I do not intend to occupy the time of the Committee any longer. I will only say that I believe the intention of the Government in introducing this Bill was merely the intention of putting before the country some policy which would enable them to retain Office, and to keep up appearances before the country. There was never a time in my recollection of Ireland—and I think I know the country much more intimately than any hon. or right hon. Gentleman sitting on the Front Ministerial Bench—when it was more peaceable than it is at the present moment. I know very well the argument founded on that circumstance. We know the argument the right hon. Gentleman the Member for West Birmingham (Mr. Joseph Chamberlain) used the other day as to the condition of our unfortunate country. Even when it is peaceable and quiet, the fact is used as a taunt against us. The other day, in the speech which he delivered, the right hon. Gentleman stated that the condition of peace in Ireland—and I put it to any man who seriously loves his own country whether he thinks it proper to apply such language to another country in whose prosperity he feels some interest—was brought about by the shadow of the Bill which is now passing through this House. Sir, we deny that the peaceable condition of Ireland is brought about by the shadow of this Bill, and I warn the Government that as surely as this Bill will pass, so surely will its provisions be put in force; and, if that is the case, as surely as an absolute state of peace reigns there at this moment, so surely will there follow from the administration of this Act a hopeless state of confusion.

Mr. CHANCE (Kilkenny, S.): I wish merely to point out—I will not detain the Committee for more than one moment—that under the Indian law conspiracy is never punished unless it is followed by an overt act, and has for its object a criminal offence. According to the law laid down in the case of "The Queen *v.* Parnell," an act which would be legal if committed by one person, when committed by two or more persons becomes criminal. It is for the purpose of maintaining that definition of the law, and not for the purpose of enabling magistrates to find out criminals, that this Amendment is rejected. It would appear, therefore, that Her Majesty's Government are desirous of having one law for India and another for Ireland. I would point out, in this connection also, that in India they celebrate the Jubilee by releasing a number of prisoners; but in Ireland they propose to celebrate it by sending a large number of Irish citizens innocent of crime to gaol, and by rendering it easy for the Irish landlords to turn their tenantry out into the world homeless, and without the means of obtaining a livelihood.

Sir WILLIAM HARCOURT (Derby): I cannot agree with the statement made by the right hon. Gentleman the Chief Secretary for Ireland, or the hon. and learned Attorney General, as to the Law of Conspiracy not being laid down as injuriously to the tenants in Ireland in reference to their holdings as ever was done in reference to the labourers in England with reference to their employment. I was fully under that conviction from what I recollect, especially as regards the law laid down by Judges in Ireland. There was nothing, I venture to say, in the most extreme times of the Law of Conspiracy—I was going to say the worst times, but I do not like to use that expression—as laid down by Judges in England which within the most recent period has not been exceeded by the Irish Judges. I hold in my hand a judgment of Judge Fitzgerald, and will read a sentence from it, and it certainly seems to me to be more "fossil" than anything that the hon. and learned Attorney General has referred to to-night as exploded and impossible of revival, and it is probably that fact which has led to the remarkable silence of the right hon. and learned Attorney General for Ireland (Mr. Holmes) during this debate. He is describing the various points that arose in the case of "The Queen *v.* Truitt," which case led to the Act of 1875—it was to reverse that decision that the Act of 1875 was passed. But the case of "The Queen *v.* Truitt" was taken as the standpoint and starting point of this decision in the Irish Courts. This is the law as laid down by Judge Fitzgerald—"Where two or more agree to do an injury to a third party"—that, of course, is constructive combination because "The Queen *v.* Truitt" is the illustration for it, the point there being that no act which results in an injury to a third party, though innocent, if done by one, becomes criminal if done by several—he says—

> "Where two or more agree to do an injury to a third party, though that injury if done by one alone of his own motion would not be in him a crime or offence; it would be simply an injury carrying with it a right to a civil remedy."

That is the very doctrine which, so far as it interferes with the case of labourers in England, is overruled by the Act of 1875. That is the very doctrine introduced as against tenants in Ireland in respect to agricultural holdings. Then, really, the ground upon which the Government have resisted this Amendment is entirely cut away from under them. The hon. and learned Attorney General has not remembered, I suppose, what has been the ruling on these very subjects; and I should like very much to know from the right hon. and learned Attorney General for Ireland, before we divide, whether that is actually the doctrine which is maintained in the Irish Courts—whether they are still proceeding in cases of conspiracy on the "fossil" doctrine repudiated, and very properly repudiated, by the hon. and learned Attorney General?

Question put.

The Committee *divided:*—Ayes 180; Noes 242: Majority 62.

AYES.

Abraham, W. (Glam.)
Abraham, W. (Limerick, W.)
Acland, A. H. D.
Anderson, C. H.
Asquith, H. H.
Austin, J.
Balfour, rt. hon. J. B.
Barry, J.
Biggar, J. G.
Blake, J. A.
Blake, T.
Blane, A.
Bolton, J. C.
Bradlaugh, C.
Bright, Jacob
Buchanan, T. R.
Burt, T.
Byrne, G. M.
Cameron, C.
Cameron, J. M.
Campbell, Sir G.
Campbell, H.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Cobb, H. P.
Cohen, A.
Coleridge, hon. B.
Colman, J. J.
Condon, T. J.
Connolly, L.
Conway, M.
Corbet, W. J.
Cossham, H.
Cox, J. R.
Cozens-Hardy, H. H.
Craig, J.
Crawford, D.
Crawford, W.
Davies, W.
Dillon, J.
Dillwyn, L. L.
Dodds, J.
Duff, R. W.
Ellis, J.
Ellis, J. E.
Ellis, T. E.
Esslemont, P.
Evershed, S.
Farquharson, Dr. R.
Ferguson, R. C. Munro-
Finucane, J.
Flower, C.
Flynn, J. C.
Foley, P. J.
Foster, Sir W. B.
Fox, Dr. J. F.
Fry, T.
Fuller, G. P.
Gane, J. L.
Gardner, H.
Gaskell, C. G. Milnes-
Gilhooly, J.
Gill, H. J.
Gill, T. P.
Gladstone, rt. hn. W. E.
Gladstone, H. J.
Graham, R. C.
Gray, E. D.
Gully, W. C.
Harcourt, rt. hn. Sir W. G. V. V.
Harrington, E.
Harrington, T. C.
Harris, M.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Healy, T. M.
Holden, I.
Hooper, J.
Howell, G.
Jacoby, J. A.
James, hon. W. H.
James, C. H.
Joicey, J.
Jordan, J.
Kennedy, E. J.
Kenny, C. S.
Kenny, J. E.
Kenny, M. J.
Lacaita, C. C.
Lalor, R.
Lawson, Sir W.
Leahy, J.
Lefevre, right hon. G. J. S.
Lewis, T. P.
Lyell, L.
Macdonald, W. A.
M'Arthur, A.
M'Cartan, M.
M'Carthy, J.
M'Donald, P.
M'Donald, Dr. R.
M'Laren, W. S. B.
Mahony, P.
Marum, E. M.
Mason, S.
Menzies, R. S.
Molloy, B. C.
Montagu, S.
Morgan, O. V.
Morley, rt. hon. J.

Mundella, right hon. A. J.
Murphy, W. M.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Connor, J. (Kerry)
O'Connor, J. (Tippry.)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Hea, P.
O'Kelly, J.
Paulton, J. M.
Pease, Sir J. W.
Pease, A. E.
Pickard, B.
Pickersgill, E. H.
Pinkerton, J.
Plowden, Sir W. C.
Powell, W. R. H.
Power, P. J.
Power, R.
Price, T. P.
Priestley, B.
Pugh, D.
Pyne, J. D.
Redmond, W. H. K.
Reed, Sir E. J.
Reid, R. T.
Rendel, S.
Roberts, J.
Roberts, J. B.
Roscoe, Sir H. E.
Rowlands, W. B.
Russell, Sir C.
Russell, E. R.
Sexton, T.
Shaw, T.
Sheehan, J. D.
Sheehy, D.
Sheil, E.
Smith, S.
Stack, J.
Stanhope, hon. P. J.
Stansfeld, right hon. J.
Storey, S.
Sullivan, D.
Summers, W.
Tanner, C. K.
Thomas, A.
Tuite, J.
Waddy, S. D.
Wardle, H.
Warmington, C. M.
Wayman, T.
Whitbread, S.
Will, J. S.
Williams, A. J.
Williamson, J.
Williamson, S.
Wilson, C. H.
Wilson, I.
Woodall, W.
Woodhead, J.
Wright, C.

TELLERS.

Marjoribanks, rt. hon. E.
Morley, A.

NOES.

Addison, J. E. W.
Agg-Gardner, J. T.
Allsopp, hon. G.
Allsopp, hon. P.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Ashmead-Bartlett, E.
Baggallay, E.
Bailey, Sir J. R.
Balfour, rt. hon. A. J.
Barnes, A.
Barry, A. H. Smith-
Bartley, G. C. T.
Barttelot, Sir W. B.
Bass, H.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beadel, W. J.
Beaumont, H. F.
Beckett, E. W.
Beresford, Lord C. W. de la Poer
Bethell, Commander G. R.
Biddulph, M.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Colonel H. B. H.
Bonsor, H. C. O.
Boord, T. W.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Brooks, Sir W. C.
Brown, A. H.
Bruce, Lord H.
Burdett-Coutts, W. L. Ash.-B.
Burghley, Lord
Campbell, Sir A.
Campbell, J. A.
Chamberlain, rt. hn. J.
Chamberlain, R.
Charrington, S.
Clarke, Sir E. G.
Cochrane-Baillie, hon. C. W. A. N.
Colomb, Capt. J. C. R.
Compton, F.
Cooke, C. W. R.
Corbett, J.
Corry, Sir J. P.
Cross, H. S.
Crossman, Gen. Sir W.
Cubitt, right hon. G.
Currie, Sir D.
Curzon, hon. G. N.
Dalrymple, C.
Davenport, H. T.
Dawnay, Colonel hon. L. P.
De Cobain, E. S. W.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dimsdale, Baron R.
Dixon, G.
Dixon-Hartland, F. D.
Dorington, Sir J. E.
Duncan, Colonel F.
Duncombe, A.
Dyke, right hon. Sir W. H.
Edwards-Moss, T. C.
Egerton, hon. A. J. F.
Elcho, Lord
Elton, C. I.
Ewart, W.
Eyre, Colonel H.
Farquharson, H. R.
Feilden, Lt.-Gen. R. J.
Fellowes, W. H.
Fergusson, right hon. Sir J.
Field, Admiral E.
Finch, G. H.
Finch-Hatton, hon. M. E. G.
Finlay, R. B.
Fisher, W. H.
Fitzgerald, R. U. P.
Fitzwilliam, hon. W. J. W.
Forwood, A. B.
Fowler, Sir R. N.
Fulton, J. F.
Gathorne-Hardy, hon. A. E.
Gathorne-Hardy, hon. J. S.
Gedge, S.
Gibson, J. G.
Gilliat, J. S.
Godson, A. F.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hn. G. J.
Gray, C. W.
Green, Sir E.
Greenall, Sir G.
Grimston, Viscount
Grove, Sir T. F.
Gurdon, R. T.
Hall, A. W.
Hamilton, right hon. Lord G. F.
Hamilton, Lord C. J.
Hamilton, Lord E.
Hamilton, Col. C. E.
Hamley, Gen. Sir E. B.
Hanbury, R. W.
Hankey, F. A.
Hardcastle, F.
Hartington, Marq. of
Havelock - Allan, Sir H. M.
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Heneage, right hon. E.
Herbert, hon. S.
Hervey, Lord F.
Hill, Colonel E. S.
Hill, A. S.
Hobhouse, H.
Holland, right hon. Sir H. T.
Holmes, rt. hon. H.
Hornby, W. H.
Houldsworth, W. H.
Howard, J.
Howorth, H. H.
Hozier, J. H. C.
Hubbard, E.
Hughes, Colonel E.
Hulse, E. H.
Hunt, F. S.
Isaacs, L. H.
Isaacson, F. W.
Jackson, W. L.
James, rt. hon. Sir H.
Jarvis, A. W.
Jennings, L. J.
Johnston, W.
Kelly, J. R.
Kennaway, Sir J. H.
Kenrick, W.
Kenyon, hon. G. T.
Kenyon - Slaney, Col. W.
Ker, R. W. B.
Kerans, F. H.
King, H. S.
King - Harman, right hon. Colonel E. R.
Knatchbull-Hugessen, H. T.
Knightley, Sir R.
Knowles, L.
Lafone, A.
Lambert, C.
Lawrence, W. F.
Legh, T. W.
Leighton, S.
Lethbridge, Sir R.
Lewis, Sir C. E.
Llewellyn, E. H.
Long, W. H.
Macartney, W. G. E.
Macdonald, right hon. J. H. A.
Maclean, F. W.
Maclean, J. M.
Maclure, J. W.
M'Calmont, Captain J.
Malcolm, Col. J. W.
March, Earl of
Marriott, rt. hn. W. T.
Matthews, rt. hn. H.
Maxwell, Sir H. E.
Mills, hon. C. W.
More, R. J.
Morgan, hon. F.
Morrison, W.
Mount, W. G.
Mowbray, right hon. Sir J. R.
Mowbray, R. G. C.
Mulholland, H. L.
Muntz, P. A.
Murdoch, C. T.
Noble, W.
Norris, E. S.
Northcote, hon. H. S.
Norton, R.
O'Neill, hon. R. T.
Pearce, W.
Penton, Captain F. T.

Plunket, rt. hn. D. R.
Plunkett, hon. J. W.
Pomfret, W. P.
Powell, F. S.
Raikes, rt. hon. H. C.
Rankin, J.
Rasch, Major F. C.
Reed, H. B.
Richardson, T.
Ridley, Sir M. W.
Ritchie, rt. hn. C. T.
Robertson, J. P. B.
Robertson, W. T.
Rollit, Sir A. K.
Ross, A. H.
Rothschild, Baron F. J. de
Round, J.
Royden, T. B.
St. Aubyn, Sir J.
Salt, T.
Sandys, Lt.-Col. T. M.
Sellar, A. C.
Selwyn, Captain C. W.
Sidebotham, J. W.
Sidebottom, W.
Sinclair, W. P.
Smith, right hon. W. H.
Smith, A.
Spencer, J. E.
Stanhope, rt. hon. E.
Stewart, M.
Talbot, J. G.
Taylor, F.
Tomlinson, W. E. M.
Townsend, F.
Trotter, H. J.
Tyler, Sir H. W.
Verdin, R.
Waring, Colonel T.
Watson, J.
Webster, Sir R. E.
Webster, R. G.
White, J. B.
Whitley, E.
Wiggin, H.
Winn, hon. R.
Wodehouse, E. R.
Wolmer, Viscount
Wood, N.
Wortley, C. B. Stuart-
Wright, H. S.
Wroughton, P.
Yerburgh, R. A.
Young, C. E. B.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W. H.

THE CHAIRMAN: The Amendment, No. 123, standing in the name of the hon. and learned Gentleman the Member for Elgin, &c. (Mr. Asher) has been decided.

MR. ESSLEMONT (Aberdeen, E.): I do not think it necessary to detain the Committee any great length of time upon the Amendment which stands in my name. We have heard a great deal of the Criminal Law of Scotland, and the hon. and learned Gentleman the Solicitor General for Scotland (Mr. J. P. B. Robertson), who explained the Scotch Law, informed the Committee that the Government had no wish to treat Ireland in respect to Criminal Law in any exceptional manner. I claim for my Amendment the vote of the Liberal Unionists, especially those who hail from Scotland. If the Government are sincere in their declaration that they do not intend to treat Ireland with any more severity than Scotland is treated, they can have no objection to my Amendment. Our Friends below the Gangway may also accept this Amendment, and Scotch Members may safely agree that no proceedings shall be taken under this section which would be incompetent under the Scotch Criminal Law. This Amendment is so reasonable in itself, and I am sure so thoroughly in accordance with the views which have been expressed by the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour), and the right hon. and learned Attorney General for Ireland (Mr. Holmes), in respect to criminal proceedings under the Bill now before the Committee, that I shall not, in introducing it, trespass upon the attention of the Committee at any greater length.

Amendment proposed,

In page 2, line 12, at end, add, "Provided always that no proceedings shall be taken under this section which would be incompetent under the Criminal Law as administered in Scotland."—(*Mr. Esslemont.*)

Question proposed, "That these words be there added."

No Member of the Government rising—

MR. T. M. HEALY (Longford, N.): It is a monstrous thing that the Government, who boast of their anxiety to apply the principles of the Scotch Criminal Law to Ireland—[An hon. MEMBER: "Oh!"] Who is it that cries "Oh?" I suppose he is some Scotch Gentleman. [The CHAIRMAN: Order, order!] I am only sorry we do not recognize the Gentleman. I say it is a monstrous thing that the Government, who have been boasting of their anxiety to apply the principles of the Scotch Criminal Law to Ireland, should attempt to allow this Amendment to be negatived simply on the declaration of the Chairman. If there is any Amendment upon which we should have a reply it is the one now before the Committee. The Government profess to be anxious to apply the Scotch Law to Ireland, and the hon. and learned Gentleman the Member for Inverness (Mr. Finlay), who I am sorry not to see in his place, in a speech which was commented upon so admirably by Sir George Trevelyan, declared that he was not opposed to this Bill, because, in the main, it only applied the Scotch Law to Ireland. I never read a more weighty speech than that of Sir George Trevelyan, exposing, as it did, the hollowness of this pretence. And now, when a Scotch Member proposes that no proceedings shall be taken under this section which are inconsistent with the Scotch Criminal Law, the Government remain silent, in order, I suppose, that it may not go before the country what their exact position is in regard to this matter. Under these circumstances, I can only point out the curious fact that, whereas in the country the Government's main defence of the Bill is that the Bill merely extends the Scotch Law to Ireland, in the House of Commons, when an Amendment is proposed providing that only the Scotch Law should prevail in Ireland, the right hon. Gentleman the Chief Secretary for Ireland, who has so little to do, according to the statements which appear in the newspapers that yesterday he had 16 hours sleep out of the 24, and who only comes down to the House at 5 or 6 o'clock in the evening when all the work is over, cannot find a single word to say on the subject.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): It was with no wish to be discourteous to the hon. Gentleman (Mr. Esslemont) that I did not get up earlier to reply to him. The truth is my reply is very short. In the first place, the accusation largely made against this Bill is that the Resident Magistrates who have to use the Bill are gentlemen unacquainted with the English Law. If this Amendment were carried, the Resident Magistrates would not only be required to know English Law, but Scotch Law too. If that reply is not sufficient there is another one—it is that no English Judge can take any cognizance of anything but English Law. Under this Amendment, Resident Magistrates in Ireland would have to have regard to Scotch Law. Under these circumstances, the hon. Gentleman can hardly expect us to accept his Amendment.

MR. M. J. KENNY (Tyrone, Mid), who was received with cries of "Divide!"—If hon. Gentlemen opposite do not care to hear some remarks from me on the Amendment, they may hear some remarks from me on a Motion of my own. If the only difficulty in the way of the acceptance of this Amendment is that Resident Magistrates would have to have some knowledge of the Scotch Law, it would be very easy to get over the difficulty. I am not aware that the Irish Resident Magistrates have any particular knowledge of English or Irish law. Now, the Government might send over to Ireland the right hon. and learned Lord Advocate (Mr. J. H. A. Macdonald), who I believe is the distinguished author of a distinguished book on the Criminal Law of Scotland, to instruct the Resident Magistrates there in Scotch Law. I have no doubt that in a very short time he could make them adepts in the law of his country. But if the right hon. and learned Gentleman does not care to go across to Ireland he might send over a few copies of his book for the use of the Resident Magistrates. The objection to the Amendment advanced by the right hon. Gentleman the Chief Secretary (Mr. A. J. Balfour) is like most of the objections advanced from the Treasury Bench against Amendments proposed from this side of the House. As far as I can understand it, it is absolutely invalid. Not only the Chief Secretary, but all the principal supporters of the Government have been going through the country during the last two months and preaching what is not the fact—namely, that there is nothing in this 1st clause which is not already contained in the law of Scotland. Some of them have drawn the moral that under the existing law the Scotch people have managed to be pretty free from crime, why should not the Irish people be equally free from crime under it? If that is the *bonâ fide* contention of the Government, let them accept the Amendment of the hon. Gentleman the Member for East Aberdeen (Mr. Esslemont), which merely compels the acknowledgment of the fact that nothing can be done under this clause which cannot be done under the law of Scotland. We could not do better than Divide, in order to make it clear that the assertions which have been made by Ministers and their supporters have been quite erroneous.

MR. T. M. HEALY (Longford, N.): I must say that the Government's reply upon this subject, coming from a Scotch Gentleman, as the Irish Secretary generally is, is most surprising. I had thought that if there was anything which would invite acceptance, it was an Amendment appealing to the Scotch soul of the right hon. Gentleman the Chief Secretary for Ireland. It cannot be too much emphasized that this is a proposition taken, so to speak, from the very bowels of the Scotch law. We have had from the Government a distinct declaration, and one upon which the Primrose-Orchid Party has, to a large extent, founded its position—namely, that this Bill contains nothing but what is to be found in the law of Scotland. The hon. Gentleman the Member for East Aberdeen (Mr. Esslemont) has proposed an

Amendment to test the sincerity of the Government. What is the reply of the right hon. Gentleman the Chief Secretary for Ireland? It is an appeal to ignorance. He says that if the Irish magistrates cannot be expected to know Irish Law, how much less can they be expected to know Scotch Law. All the Government need to do is to present each Resident Magistrate with a bound and gilt copy of *Macdonald on the Scotch Law;* they would thus confer a favour upon a distinguished servant of their own, and, at the same time, give great assistance to the Irish Resident Magistrates. From the start the Government have pretended that it is only the law of Scotland that is to be applied to Ireland. Under these circumstances, I should have thought the Government would have hailed with pleasure this Amendment. Instead of that they say that the Irish magistrates cannot be expected to understand Scotch law. They certainly do not understand Irish law. Apparently, the idea of the Government is that they shall not know any law at all.

MR. ESSLEMONT (Aberdeen, E.): I am sure the Committee will not be surprised that I feel great disappointment at the way this Amendment has been received. We have been blamed for consuming too much time in an opposition to this Bill. [*Ministerial cheers.*] Mr. Courtney, you see how unreasonably one is treated. I have not spoken on the Irish Question in this House before this. I have not occupied a minute of the time of the House. But I have heard in my country, and out of it, that we are making a criminal law for Ireland exactly similar to that which has prevailed in Scotland for generations. We are told that it is in consequence of the excellence of the Scotch Criminal Law that the Scotch people are the quietest and best conducted people in the world. We have been told by every Tory lecturer on this question that if we only apply the Criminal Law of Scotland to Ireland we shall make the Irish people as happy and as prosperous as ourselves. I wish to settle the point by putting Ireland in the matter of procedure upon exactly the same criminal code as Scotland. I have been exceedingly modest in this demand. I have not asked you to make the crimes in Ireland the same as the crimes in Scotland. We have been told that new crimes are to be created in Ireland; but I am content, whatever the crimes are, that the proceedings shall be conducted in the same way as they are in Scotland. It has been my duty for 20 years to have something to do with the administration of the Criminal Law in Scotland, and I am bound to say that I was very much astonished at the description of that law which was given by hon. Gentlemen on the Government Bench. Certainly, I was never allowed to take such proceedings as are proposed in this section. I hope that the Government will either declare that there is no reference to the criminal code of Scotland here, that henceforth the pretence that the Criminal Law as laid down in this Bill is similar to that in Scotland will be given up, or that the right hon. and learned Gentleman the Lord Advocate (Mr. J. H. A. Macdonald) will give us his powerful elucidation of this subject and show wherein the provisions of this Bill do resemble the provisions of the law of Scotland.

DR. KENNY (Cork, S.): I think the reply of the right hon. Gentleman the Chief Secretary for Ireland is somewhat encouraging, and marks a step in advance, for it seems to indicate that now he has come to the conclusion that some knowledge of law on the part of those who are to administer this Act is necessary. An Amendment providing that the Resident Magistrates in Ireland, to whom the administration of this Act is to be entrusted, should be gentlemen with some knowledge of the Irish Law, was most bitterly opposed by the Government, and by no Member of the Government more strenuously than by the right hon. Gentleman the Chief Secretary. I should like to ask the right hon. Gentleman on which leg he means to stand? Formerly he seemed to be of opinion that no knowledge of law on the part of the magistrates was necessary; now he seems to be of opinion that it is necessary that the magistrates should have a knowledge of law. I should like him to select on which leg he will stand.

THE CHAIRMAN: The hon. Gentleman must seriously address the Committee.

Question put, and *negatived.*

THE CHAIRMAN: The point contained in the Amendment 123b was decided upon the Amendment of the hon.

and learned Member for York (Mr. Lockwood).

Mr. MAURICE HEALY (Cork): I beg to submit, Mr. Courtney, that the hon. and learned Member's Amendment related to offences committed after the passing of the Act, while my Amendment refers to offences committed prior to the passing of the Act. I think that is a very substantial difference.

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): The Amendment is also governed by the Amendment standing in my name, accepted early in the evening.

The CHAIRMAN: That is so. The Amendment adopted at the beginning of the evening provided for offences committed before the passing of the Act.

Mr. MAURICE HEALY: I submit to you, Sir, that the Amendment moved by the hon. and learned Gentleman in no wise affects my Amendment. The Amendment of the Attorney General exempts from the operation of the Act a certain class of offences committed prior to the passing of the Act. My Amendment proposes to exclude certain other classes of offences.

The CHAIRMAN: It was decided early in the discussion that there should be no universal exemption of offences, whether committed before or subsequent to the passing of the Act. Then it was decided, on the Motion of the hon. and learned Gentleman the Attorney General, that there should be a partial exemption in the case of offences committed before the passing of the Act.

Mr. MAURICE HEALY: I beg to give Notice, that I shall move my Amendment on Report.

The CHAIRMAN: The next Amendment which can be taken is No. 124.

Mr. ANDERSON (Elgin and Nairn): I desire to move 123f.

The CHAIRMAN: I think that has been decided already. However, as I fail to discover the Amendment which governs the hon. and learned Gentleman's, perhaps he had better move it.

Mr. ANDERSON: The Amendment 123f is one to which I attach very considerable importance. It is that to insert—

"In case of its being intended to call any witness examined under this section in support of a criminal charge, notice thereof shall be given to the accused ten days before the trial or hearing. The accused, by himself or his solicitor, shall be entitled to see and examine such witness, and for this purpose shall be entitled to call for the production of such witness at any time and place in the proclaimed district."

The CHAIRMAN: Order, order! I consider the question was decided by the adoption of the Proviso—

"Provided also, that upon any person being accused of a crime respecting which an inquiry under this section has been held, such accused person, or his solicitor, upon being returned for trial, shall forthwith be supplied with copies of all depositions taken at any inquiry under this section of any witness to be called against him."

Mr. ANDERSON: I beg to point out that the distinction between the words you have read and my Amendment is obvious. The Proviso which you have read enables the accused person to have a copy of the shorthand notes. The giving of the shorthand notes is quite another thing to what is referred to here. My Amendment provides that the prisoner shall have the means of seeing the witness and take his statement from him. I have in mind a case where a witness in Edinburgh was actually imprisoned, and the Crown refused to let the prisoner's counsel or agent see the witness. The result was that when the trial came on objection was taken to the evidence of the witness, and the Court said that application ought to have been made to enable the prisoner's counsel to see the witness. It is laid down in the Scotch law books that a prisoner's counsel is entitled to see at any time any witness, who has been called privately and examined, and to take his statement. I think you will see, Mr. Courtney, that this Amendment is quite distinct from the Proviso you have read. Now, to my mind, this is a matter of great importance, because the Crown establish, by the provisions of this clause, that they are entitled to examine, secretly and privately, a witness. I maintain it is only fair, if that is so, that before the trial comes on the prisoner ought to have an opportunity of seeing the witness, and of hearing from the lips of the witness what he has to say. The principle embodied in my Amendment is clearly laid down in Alison's work on the Scotch Criminal Law, a work which was quoted the other day by the hon. and learned Gentleman the late Solicitor General for Scotland (Mr. Asher). After showing that a prisoner is entitled to see a witness, the writer goes on to point out a case in which a man was imprisoned in the Castle at Edinburgh in 1819, access to the witness was refused by the Crown, the witness's precognition had been taken, and the prisoner's counsel, or agent, did not know what the witness had to say. Objection was taken at the trial that his evidence had not been received, and the Court pointed out that an application ought to have been made for an order to produce the witness to the agent of the accused. Now, I cannot help thinking that this is a matter of great importance, because what the Government may possibly do under this Act is to put a whole country side into prison, and evidence against the prisoners be kept secret until the day of the trial. Surely it is only fair that the agent of a prisoner should be able to see every witness, inasmuch as this principle has been laid down and emphasized by the right hon. and learned Lord Advocate (Mr. J. H. A. Macdonald) on his excellent work on the Criminal Law of Scotland. I hope the Government will embody some part of the law of Scotland in this Bill. Hon. Members cheered loudly just now when they threw over the whole law of Scotland upon the Motion of my hon. Friend the Member for East Aberdeen (Mr. Esslemont); but let me ask the Government to accept some small part of the law of Scotland, the part of it which is fair and just, and which ought to be introduced in this section.

Amendment proposed,

In page 2, line 12, at end, add—" In case of its being intended to call any witness examined under this section in support of a criminal charge, notice thereof shall be given to the accused ten days before the trial or hearing. The accused, by himself or his solicitor, shall be entitled to see and examine such witness, and for this purpose shall be entitled to call for the production of such witness at any time and place in the proclaimed district."—(*Mr. Anderson.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I assure the hon. and learned Member (Mr. Anderson) that it is no light matter for me to discuss the law of Scotland. He, no doubt, has given that law a great deal of study; but I ask him to look into the English law, and acquaint himself with the elementary principles of that law which are known to every Justice of the Peace and Clerk of Petty Sessions. If he were acquainted with that law he would know this—that when a prisoner is returned for trial the witnesses are produced and examined in his presence; that he has a right of cross-examination by himself, or solicitor, or counsel; and that the depositions are read to the witnesses afterwards, and signed by them; and after all that is done the man is returned for trial, and they are the witnesses on whose evidence he is returned for trial. The object of this clause is to obtain evidence in the first place, which is not procurable without the holding of some such inquiry as is provided for under this section; but after we have got evidence it will be seen by the clause itself that we contemplate that the ordinary procedure in criminal cases must follow. The witnesses will then be produced, the prisoner will have an opportunity of examining them, and will be returned for trial in the ordinary way. In addition to that we have undertaken to give a prisoner shorthand writers' notes, so that he will not merely hear what the witness has to say, but he will have in his possession all the information the Crown will have on the subject. We certainly cannot, if the Amendment of the right hon. Gentleman means anything more than that—or if the law of Scotland contains any other provision than that—accept the Amendment.

MR. ANDERSON: I am exceedingly indebted to the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) for giving me instruction in what he is pleased to call the elementary Criminal Law of this country. I assure him that I shall take that lesson to heart and study the law; but I may also assure him that it is about time that he should study his own Bill. He does not appear to know that all the cases under this Bill which are liable to preliminary examination are cases in which the magistrate may summarily convict, and he is probably aware—I see by his manner he is aware now—that in those cases there is no preliminary examination before a magistrate. At present you will have your private inquiries, and then you will have your summary procedure and commit a man for six months, possibly. What I want to provide is that the accused shall have the means of access to, and take the statements of, those persons you have privately examined. In future, before the right hon. and learned Gentleman gives lessons in English law, I hope he will get up his own task a little bit better. With regard to the second point, the right hon. and learned Gentleman is entirely wrong. I am quite aware that it is part of the elementary procedure of the Criminal Law of this country that, before a man is committed for trial for an indictable offence to be tried by a jury, there is a preliminary investigation before a magistrate. That is what the right hon. and learned Gentleman referred to; but it has been known in the history of the Criminal Law of this country that without a preliminary examination witnesses have been obtained, and obtained secretly, by the prosecution. There have been cases in which, after preliminary examination before a magistrate, after the cross-examination to which the right hon. and learned Gentleman referred, you have found two or three witnesses, you have taken their precognition in a secret manner, and you have immediately locked them up in prison, and then there is no examination after that. I know you give notice; but I want more than that. From what I have seen of them in this Bill I am entirely distrustful of the Government. Mr. Courtney, every safeguard ought to be put on the operation of this infamous clause; and unless there is some more clear explanation from my right hon. and learned Instructor on the Government Bench I shall press my Amendment to a Division.

Mr. HOLMES: I think I must give the hon. and learned Gentleman (Mr. Anderson) a little more instruction on the subject. Upon what authority does he suppose that prisoners or witnesses are to be locked up in prison? I think that if there was anything of which the Committee was satisfied it was this—that a magistrate had no power whatever, after the evidence was taken, to do other than dismiss the men to their homes. What does the hon. and learned Gentleman mean by locking up in prison; what does he mean by saying we can put a whole country side in prison? Certainly he does distrust the Government of Ireland very much if he thinks there is a wish in this country to lock up men in prison without any law, when the result would be that every man so locked up must inevitably get the very heaviest damages. It seems to me that when the hon. and learned Member talks about persons being locked up in prison without lawful authority he is simply trifling with the Committee.

Mr. ANDERSON: I am beginning to feel that I must assume the position of tutor, instead of that of pupil. I never suggested for a moment that a witness was to be locked up because of his evidence. [*Cries of* "Oh, oh!"] Certainly not. I am suggesting that, by the course of proceeding you are going to adopt, you will take up a great number of people, and obtain evidence from them which a prisoner will not be able to see. It is perfectly evident that men will be taken out of their cells and examined at these private inquiries. That is the kind of examination I was referring to.

Mr. CHANCE (Kilkenny, S.): I am sorry I cannot congratulate the right hon. and learned Attorney General for Ireland upon the success of the method he has adopted in dealing with this Amendment. I do not think that method of controversy will at all tend to advance the progress of Business. Now, the Amendment which is before us provides that every witness for the Crown shall, if the accused so desire it, be subjected to examination by the accused person, and that, in case of its being intended to call a witness, 10 days' notice shall be given to the accused. Now, the answer of the right hon. and learned Attorney General for Ireland is that the proposition is wholly unnecessary. Unnecessary, because the witnesses were produced at the preliminary proceedings in open Court previous to the committal for trial, and that on that occasion the prisoner was entitled to cross-examine. Does he mean to say that every witness who is examined at a trial for a criminal offence is produced at the preliminary examination before a man is committed for trial? We know perfectly well that such is not the case. We know that the process in Ireland very often is this—that one of the Resident Magistrates, or Orange land agents, bring forward one or two flimsy witnesses whose evidence is quite enough to get a man sent to trial, and that at the trial a whole body of really substantial witnesses are sprung upon the accused. This is what we desire to prevent. We wish to prevent you, after a man has been committed for trial, taking privately other witnesses, because it is perfectly obvious that the prisoner will have no opportunity whatever to examine or cross-examine those witnesses until he stands in the dock and takes his trial, possibly before a Northern Orange jury. I suppose this Committee assumes that the accused, by himself or solicitor, is entitled to see and examine witnesses. I recollect a civil case in which the plaintiff was a gentleman of very infamous name and character—Mr. George Bolton. He not only robbed his wife of a large sum of money, but he also had the distinguished record of having seduced her servant girl of 20 years of age. His conduct was severely reported upon by an English Judge; but, in spite of his peccadilloes, he retained three Government offices—I recollect a case in which this gentleman was plaintiff, and Mr. W. O'Brien defendant; the case was sent by the Queen's Bench to be tried before an Orange jury in Antrim. I wished to examine one of the witnesses for the defence; but this witness, however, I found guarded by a number of policemen. In attempting to take the evidene of this witness I was arrested and brought to gaol. Now, this was a civil proceeding; Mr. W. O'Brien was charged with no offence except the offence of having said the truth as to this infamous blackguard, who still retained three Government offices. I wonder whether the Committee really knows in what manner Crown witnesses are dealt with in Ireland. A Crown witness—especially if he is an informer—is taken outside Dublin and kept there, provided with pocket money. The Crown officials go out from time to time to teach him the story he is to tell in the witness-box, and no one sees that witness until he is produced in Court under escort. These are the reasons why we think the Amendment of the hon. and learned Gentleman (Mr. Anderson) should be adopted, and I must say that the reply of the right hon. and learned Attorney General for Ireland was not, to say the least of it, very ingenuous.

MR. O'DOHERTY (Donegal, N.): I think the Committee would be well advised to refer again to the second Proviso inserted. The language of that Proviso only means the case of a person returned for trial, and I think we are very much obliged to the hon. and learned Member who moved this Amendment (Mr. Anderson) for calling attention to the utterly unprotected state of a person accused of crime and tried summarily for what is not an indictable offence. Now, in that Proviso, if a man is sent forward to be defended by an able counsel, before a Judge who would be certain, or who it is presumed would be certain, to see that the man got fair play, copies of the depositions taken in secret would be handed to the counsel; but where he is to be tried summarily, presumably without the advice of counsel—where he is to be tried having only such legal assistance as may be at hand at very distant parts of the country—no provision is made for handing the depositions over. I would now, at this stage even, ask the Government whether they intend that a person should be charged, tried, and sentenced for what is really an indictable offence without having at his trial every means of defending himself properly? The Amendment of the hon. and learned Gentleman is one which ought to appeal with double force to the right hon. and learned Gentleman the Attorney General for Ireland; for he said, when we asked that prisoners should be supplied with copies of the depositions—"Remember, if you do get them, that we also will have the right to use them for the purpose of cross-examining the witness if he goes back on his statement." He did not exactly put it in these words, but he meant what is sauce for the goose is sauce for the gander. I ask the Representatives of the Crown whether they will, on report even, agree to give a prisoner tried summarily an opportunity of seeing the depositions? I think that would go a long way to meet the case which the hon. and learned Gentleman (Mr. Anderson) has put forward. I think the Committee will agree that a prisoner tried summarily should have the same rights as if he were tried at Assize before a Judge and jury, and his counsel was provided for his defence. There are cases—and the hon. and learned Gentleman very properly mentioned them—in which witnesses are brought forward against the accused whose depositions have not been taken in his presence, of whose statements he knows nothing, and whom he has had no opportunity of examining. There are cases frequently happening in which, in consequence of some charge against the witnesses themselves, they are not accessible or are actually kept in custody, very often for the purpose of preventing them being spoken to by others upon the case. I submit that for all these reasons some assurance should be given us that the Government will, at least, accept the spirit of the hon. and learned Gentleman's Amendment.

COLONEL NOLAN (Galway, N.): Up to the present time the debate upon this Amendment has been conducted exclusively by legal Gentlemen. I think it will be acknowledged that we have been treated to some pretty fencing by the right hon. and learned Attorney General for Ireland (Mr. Holmes). Certainly that right hon. and learned Gentleman confused me, and I have no doubt he confused a great many hon. Members on his own side of the House. The ordinary spirit of all English law, even of a court martial, is that the defence should be placed, at least, on an equality with the prosecution; that the defence should have the same power of knowing what is going on as the prosecution. That is obviously fair. In a good many cases, certainly in most murder cases, counsel for the prosecution even go further, they even show their brief to the defence, and do not expect the defence to show their brief to them. Under this clause the Government will be able to see all the witnesses they want and examine them secretly; but the defence will not know witnesses have been examined. In this way the prosecution will possess an enormous advantage over the defence. Now, my hon. and learned Friend the Member for Elgin and Nairn (Mr. Anderson) proposes an Amendment which will put the defence again upon an equality with the prosecution. In reply to the Amendment the right hon. and learned Attorney General for Ireland made a very clever speech, but I think it was more ingenious than clever. He said—"Oh, yes; you are on an equality. Under the present circumstances, witnesses are taken up before magistrates before trial, and the defence can cross-examine the witnesses." But, as was very properly pointed out by the hon. and learned Member for Elgin and Nairn, the case is quite changed, because the whole object of this Bill is to hand over the trial from a jury to a magistrate. What we contend, and what no doubt is the fact, is that, besides transferring these cases from a jury to a magistrate, you are obtaining a most unfair advantage in getting hold of witnesses beforehand, and having an opportunity of taking down their evidence, while the defence are in utter ignorance as to the evidence of which you are possessed. I can certainly see what the custom in Ireland will be. A great many witnesses, after being examined, will say no more about their examination, and the defence will never know that these witnesses have been examined at all until they are brought up in Court, unless some safeguard such as this Amendment provides is adopted. Now, I think that in common fairness the Government ought to introduce some provision by which the defence will be once more restored to an equality with the prosecution, and will be able to know before the trial what are the depositions of the witnesses, and will have an opportunity of calling the witnesses and cross-examining them. I support this Amendment, because I think that without it you are departing from the ordinary principles of English law in not allowing the defence the same advantages which you allow to the prosecution.

MR. MAURICE HEALY (Cork): What we want to have done, Mr. Courtney, is this—in the case of all witnesses examined for the prosecution the solicitor for the defence ought, some time before the trial takes place, to have an opportunity of cross-examining them and ascertaining what they have to say. But, as soon as this is proposed, the right hon. and learned Attorney General for Ireland, with a great air of triumph, pounces on my hon. and learned Friend the Member for Elgin and Nairn (Mr. Anderson), and charges him with knowing nothing at all about what he is speaking of, and the right hon. and learned Gentleman goes on to say that the existing law gives the solicitor to the prisoner all the rights and powers which the Amendment asks for. But what is the fact? We proposed, in an earlier Amendment to this Bill, that the power of holding secret inquiries under this clause should cease the moment any man was made amenable—that once a prisoner had been arrested and charged with the offence, there and then any further examination of witnesses should take place in the ordinary way in the presence of the prisoner, and that once the prisoner was arrested, all power of secret inquiry under this clause should cease. The Government refused that Amendment. They insisted on keeping in their hands the power of holding a secret inquiry at any moment down to the trial of the prisoner; and now we may have this state of affairs arise, that this secret inquiry may be held long after the prisoner has been returned for trial. Fresh witnesses may be obtained whom he may have no opportunity of cross-examining at all. The Government have deliberately reserved to themselves this power of getting fresh witnesses, and the right hon. and learned Attorney General for Ireland has the audacity—for I can describe his conduct in no other terms—to get up and tell the House that the prisoner would under the existing law have this power which it is proposed to confer by the present Amendment. Now, Mr. Courtney, let there be no mistake about this matter. It is quite conceivable that sufficient evidence might be obtained against a prisoner to return him for trial. It is quite possible that on the evidence so obtained the prisoner might be returned for trial, and that after he had been so returned for trial the Government might, by means of the machinery of this clause, find it in their power to get fresh evidence, and to have fresh witnesses whose evidence might be of the most vital and material nature, and the prisoner's solicitor and counsel might not have the smallest opportunity of cross-examination. That being so, is it not monstrous that when we propose that, should this clause be oppressive and effective in that manner, the prisoner's solicitor should have the right of having these witnesses before him and of cross-examining them, so as to know exactly what they have got to say—is it not monstrous, I ask, that when we propose this the Irish Attorney General should get up and say we have such a power already? I tell him we have no such power. Like the right hon. and learned Gentleman himself, I have been concerned in a number of cases in which, subsequently to the prisoner being returned for trial, most important witnesses have been obtained, and under the existing law there is no machinery whatever for enabling the evidence to be sifted by any cross-examination on the part of the solicitor of the prisoner. I was defending a prisoner on a charge of murder, and almost on the eve of the trial, three months after the prisoner had been returned for trial, evidence of the most vital and important nature was given by a fresh witness never examined before, and the prisoner had to go to the trial on this awful charge without his solicitor having had the smallest opportunity of testing the value of that evidence and sifting it in the manner in which cross-examination alone would enable us to sift it. Is it fair that when we get up and make this most reasonable demand, that in cases where the action of this clause allows—after the prisoner has been returned for trial—the acquisition of some fresh evidence by means of this secret inquiry—is it fair that when we ask that these new witnesses shall be offered for cross-examination we should be met, first, by a really uncandid statement of what the existing law is, and secondly by a direct negative of the Amendment? It is a most unfair proceeding, and I challenge the right hon. and learned Gentleman the Attorney General for Ireland to get up and say that the state of things I have suggested is not possible, and to say whether in fact if the clause be passed in its present shape it is not merely possible but probable. What is the value of this secret inquiry unless it tends to get fresh witnesses? Why do the Government retain the power of continuing these secret inquiries after the prisoner has been returned for trial, and up to the very moment of trial, unless in the meantime they hope to be enabled to get fresh witnesses not examined before, and whom, therefore, the prisoner's solicitor has had no opportunity of cross-examining? I quite grant that in an ordinary case, where all the witnesses are known to the Crown at the time of the examination before a magistrate—I quite grant that what the right hon. and learned Attorney General says is right, because, of course, in that case the prisoner's solicitor might have an opportunity of cross-examination. But the point is, that, under this clause, a fresh machinery is provided for finding fresh witnesses, even up to the moment of the trial. Let us have a clear understanding on this matter. Do the Government insist that the prisoner will have to go into Court without any opportunity of cross-examination? Do they insist that in cases of the very gravest kind where a man's life and liberty are concerned in the most serious manner, the prisoner shall take his trial and place himself on his countrymen without any opportunity of sifting the witnesses who are sworn to give fresh evidence? Such a proceeding is unfair in the highest degree. The Amendment is most necessary and most cogent, and I do trust that some further concession will be made by the Government.

Mr. STOREY (Sunderland): I have not heretofore intervened in these discussions, Mr. Courtney, but I wish to say a word on this point to the hon. and learned Attorney General (Sir Richard Webster), who, I am sorry to say, has not been in the House for a while. I have been a good deal absent from the House of late myself, having been unwell; but I sat in the country puzzling myself as to how it was that the Government got on so slowly with their Bill. But I have now discovered the reason, and it is this—that when a blot in the Bill is pointed out to them, they do not in a common-sense English way admit the blot, and try to get rid of it; but they leave it to the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) to utter the most disingenuous observations. I see the hon. and learned Attorney General for England present, and he does not seem to agree with my criticism upon his Irish Colleague. Well, I am an Englishman myself, and so is he, and I will put to the hon. and learned Attorney General for England the case which has been made out. I do not quite agree with my hon. and learned Friend the Member for Elgin and Nairn (Mr. Anderson). He seemed to argue, at first, that all prisoners under this clause would not have the opportunity of seeing the depositions; but he afterwards, on consideration, came to the conclusion that in cases that were sent for trial the prisoner and his solicitor would see the depositions. Well, the point I want to put is—that under this Bill you are going to try a number of prisoners summarily, who, under the general law, would be tried in a Superior Court. Now, before a trial in a Superior Court there would be a preliminary examination before a magistrate, and a cross-examination by the prisoner's representative. Well, now, Mr. Courtney, I have sat in a Court myself and taken a good many of these depositions, and I have noticed one thing, that the deposition as set out by the witness upon his examination in chief is one thing; but the deposition when it finally took shape after cross-examination by the prisoner's solicitor, and after re-examination, was entirely a different thing. Well, now you say that the deposition would be handed to the accused. What deposition? A deposition without cross-examination? What is cross-examination for? Why, I have known 20 cases where, by cross-examination, most valuable hints have been given to the prisoner for use at the trial. But here is a man not going to have two chances—he is going to have only one chance. He is to be tried before two magistrates, perhaps not very much to be depended upon for justice to him. He is to be tried before them, and he is to be confronted by witnesses whom he has never before had the opportunity of cross-examining, and from whom therefore he could not get the valuable hints which he might have used at his trial. He is therefore to be worse off than under the ordinary law. Is the hon. and learned Attorney General for England going to make these men worse off? That is not fair. I will make a suggestion to the Government. I hope that they will in some degree accept the Amendment proposed. I want to get this Bill out of the way. I am not an Irish Member; I am an English Member, and I am utterly sick of this Bill, and of the Government which is proposing it. I do not know whether they have noticed it or not, but I have never taken the trouble to come and oppose them. I want them to get their Bill, and use it from my point of view. I am not opposing them now, but I suggest that they should put these people in the same position that they would be in if they were going to be tried in a Superior Court. For that purpose they might give them the right to see and cross-examine the witnesses before the trial, so that they might get the same valuable hints for their guidance which they would under the ordinary law. My suggestion is, that they should take the Amendment, and, after the word "charge," should insert the words "where the case is to be dealt with summarily." Limit the

Amendment to that. Then I would alter the 10 days. I think my hon. and learned Friend would admit that it is not possible in all cases to keep to that. The prosecution might get important evidence three days before the trial, and would be precluded from bringing it in, or else would have to adjourn the trial, and would suggest that he limits the number of days to three. I would ask the hon. and learned Attorney General if in England that would not be reckoned a fair thing? If so, I beg him, as an Englishman, proud of English Law, to do the same thing in Ireland. I beg to move as an Amendment to the Amendment, the insertion of the words "where the case is to be dealt with summarily," after the word "charge." If that is carried, I will move to strike out "ten," and insert "three."

Amendment proposed to the said proposed Amendment, after the word "charge," to insert the words "where the case is to be dealt with summarily."—(*Mr. Storey.*)

Question proposed, "That those words be there inserted in the proposed Amendment."

MR. DILLON (Mayo, E.): This Amendment is exceedingly important, Mr. Courtney. In the important speech of my hon. Friend the Member for Sunderland (Mr. Storey), he almost understated the strength of our case, and has not yet fully appreciated the injustice which is to be done. He seemed to think the only injustice to be done to the prisoner would be that he would be denied the opportunity of cross-examining the witnesses before his trial. But that is not at all what is complained of. What we complain of is this, that under the action of this clause, in a case where a prisoner would be tried before a Court of Summary Jurisdiction, and who would otherwise be brought before a Judge and a jury under an indictment, he would be brought face to face in Court with the witnesses, and would have no opportunity of knowing what evidence they were going to give at all. Not only would he have no opportunity of cross-examining them and altering their depositions, but he would not know until they were produced what the class of evidence was—he would not have the least inkling or idea of it. That is a much stronger case than even the hon. Member for Sunderland has submitted. And not only is that the case, but the prisoner would, by the operation of these clauses, be deprived at one and the same time of the protection of a jury, and also of certain rights which he would have had if he was going before a jury. He would not only be committed to the tender mercies of a Court of Summary Jurisdiction, but he would be handed over deprived of certain facilities for defence which he would have had before a jury. A stronger case of injustice cannot possibly be made out. What we cannot understand is, what is the motive of the Government in refusing an Amendment of this kind? Do they want it to go farther than that in these cases of summary jurisdiction? So great is their greed to get convictions that they will not allow a man the common ordinary means of defence. Do they not know perfectly well that in many cases a poor man may not be able to get the assistance of counsel? I am not at all sure that even another and more serious disability will not be placed on them. We know that in the case of some of these poor people it is the custom of the Judge to rule that they shall have assigned to them professional assistance at the expense of the Crown, where they cannot themselves pay for it. So far as we have gone in the Bill, we do not know but what the prisoner is to be handed over to to this Court deprived of the protection of a jury, deprived of the knowledge he would have before a jury of the character of the evidence against him, and deprived also, if a poor man, of the assistance which it is the universal custom of Criminal Courts to afford to poor men brought for trial. I want to ask, is the attitude of the Government in this a fair and reasonable one? What do they want to do? Do they want to convict innocent or guilty men? If they do not want to convict innocent men, why do they deny us a simple, reasonable, and unobjectionable means of placing men in the same position and giving them the same advantages to get up their defence that they would have if the ordinary course of law had been followed? Now, Sir, I wish to point out also that here we have been for nearly an hour debating a most important Amendment, and during the whole course of that hour not one single attempt at an argument has been used from the Benches opposite to show why the Amendment should not be adopted. We have heard the right hon. and learned Attorney General for Ireland getting up and making a most preposterous sneer at the legal knowledge of the hon. and learned Gentleman the Member for Elgin and Nairn, who moved the Amendment, and who knows just as much of the law as the right hon. and learned Attorney General for Ireland. That may be very amusing to the right hon. and learned Attorney General for Ireland; but such a line of conduct, according to my experience, invariably and inevitably leads to waste of time, because where one side think that an Amendment is important, and the Government treat their arguments with absolute contempt, and do not even take the trouble of endeavouring to reply to them, it is not to be wondered at that supporters of the Amendment should try whether they cannot compel some concession.

Mr. ANDERSON (Elgin and Nairn): I wish only to say, Mr. Courtney, that I hope the hon. Member for Sunderland (Mr. Storey) will not press his Amendment, for I think it would spoil the effect of my Amendment, the purpose of which is most important, not only with regard to summary convictions, but also with regard to trials.

Mr. T. M. HEALY (Longford, N.): I see the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) on the pounce; but I think it would be unfit to have this discussion closed by the clôture, though the right hon. Gentleman looks like it. We have had from the Government, I may say, not one single word of argument in this discussion; but I do think, with regard to the Amendment of the hon. Member for Sunderland (Mr. Storey), that we are entitled to some answer. I will say no more than that; and if the Government like they can now move the clôture.

Mr. M. J. KENNY (Tyrone, Mid): I think, Mr. Courtney, the Amendment of the hon. Member for Sunderland would have the effect of injuring the original Amendment; because, while the original Amendment, as it stands, applies not only to cases of summary jurisdiction, but to cases for trial at the Assizes and at the Quarter Sessions as well, the Amendment of the hon. Member for Sunderland would confine the protection proposed to be afforded to cases of summary jurisdiction alone. Now, Sir, I think it is quite necessary to protect persons who are returned for trial at the Assizes from having witnesses brought up against them at the trial without previous notice. Therefore, Sir, I would respectfully suggest to my hon. Friend the Member for Sunderland that he would allow the Amendment of the hon. and learned Member for Elgin and Nairn (Mr. Anderson) to go as it stands, and to be decided on its merits; and I hope, Sir, that even now, after this discussion, the Government will see their way to accept the reasonableness of that Amendment, which is really brought forward for the purpose of providing that persons shall not have evidence which has been taken in secret produced against them without any previous notice. I am sure the hon. and learned Attorney General for England would not think of tolerating any injustice of that kind in this country; and that being so, why should he allow the possibility of its being carried on in Ireland? The hon. and learned Attorney General should come to our protection in this case, and save us from the cock-sparrow intellect of the right hon. and learned Attorney General for Ireland.

Mr. STOREY: I moved my Amendment, Mr. Courtney, for this reason. The hon. and learned Attorney General assured us that in all cases sent for trial the prisoner, or his representatives, would have the opportunity of seeing the witnesses beforehand. I therefore proposed my Amendment limiting the original Amendment to cases dealt with summarily. Of course, the hon. and learned Attorney General cannot deny it, or he would have done so, but in these cases the prisoner who, under the ordinary law, would have a chance of seeing the depositions beforehand, will not have such an opportunity. Under this new summary jurisdiction he will not have the chance of examining the witnesses beforehand. To that proposition of mine, and to the speech I made in support of it, the right hon. and learned Attorney General for Ireland does not do me the compliment of saying a single word. I thank him for his courtesy, and I can assure him that if that is the way in which the Government propose to treat independent Members, when once in a way they think fit to make a suggestion, there is a strange lack of the old courtesies of Parliament.

MR. T. P. O'CONNOR (Liverpool, Scotland): I think, Mr. Courtney, I can suggest a compromise, which I would advise my hon. and learned Friend the Member for Elgin and Nairn (Mr. Anderson) to accept. The hon. and learned Attorney General knows very well that, according to the Proviso of the 1st subsection of this Bill, the prisoner is entitled to a copy of the depositions when returned for trial. Does the hon. and learned Attorney General see any objection to the prisoner getting the same thing in cases of summary jurisdiction? [No reply.] I really think that the conduct of the Government is going beyond all bounds. I spoke for about 30 seconds, and asked a Question, I hope in courteous language; but the Government are absolutely silent. Under these circumstances we certainly must continue the discussion.

DR. KENNY (Cork, S.): The conduct of the Government makes it necessary that we should take some course of a stronger character. I therefore beg to move, Sir, that you do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Dr. Kenny.*)

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I must appeal to hon. Members opposite. There was a distinct understanding on Friday night, when we consented to report Progress, that we should really make progress to-night.

MR. T. M. HEALY: Hear, hear! We will give you the clause to-night. We are quite agreeable.

MR. W. H. SMITH: Questions are answered in this House, but they require to be answered again and again, and again. [Mr. T. M. HEALY: No.] The fact has been that, during the course of the debate, every Question raised has been disposed of over and over again. I am aware that hon. Gentlemen oppose this Bill with all their might. [Mr. T. M. HEALY: Not a bit.] But it is necessary that we should come to a decision on these questions, and we do not want to answer over and over again matters which have already been answered. We cannot accept the Amendment, and I trust that hon. Members will now be content to go to a Division.

MR. T. P. O'CONNOR: We are quite willing to act up to the arrangement that we entered into, in letter and spirit. We are prepared to give the Government the clause this evening. Knowing that that is to be the ultimate issue, the right hon. Gentleman knows that we are as much interested as he is in bringing the debate to as early a close as possible. It is no pleasure to us to sit up till 2 or 3 o'clock in the morning. The reason we insist in worrying the Government with this Amendment, is that we think we have a substantial grievance, and we make a demand for a reasonable compromise upon it. The right hon. Gentleman has not been so much in the Committee as I have, and I quite agree with him, that one of the points raised has been discussed before; that in my remarks I altogether excluded any reference to the point already discussed—and raised an entirely new point. Will the hon. and learned Attorney General consent to apply to cases which are to be tried summarily the same privilege of a deposition which has been given in cases to be tried before a superior Court?

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): It is impossible that we should make this concession in the matter of summary convictions, and for the reason that it is entirely foreign to the law of both England and Ireland. The reason why the concession was made with regard to trials by jury was that there would be a hearing before committal, and it was thought right that the previous statements made by the witnesses should be in the hands of those who defended as well as those who prosecuted at the trial, in order, that if those witnesses went back from the statements they had made, counsel would have an opportunity of cross-examining them. That has no application, however, and is entirely foreign to cases of summary conviction.

MR. ANDERSON: No reason has been given by the hon. and learned Attorney General for opposing this Amendment. He talks about something being entirely foreign to summary jurisdiction, but he forgets that the Government are introducing a foreign inquisition. [*Cries of* "Divide!"] You may call out

"Divide," but I shall continue this discussion——

THE CHAIRMAN: The Question now before the Committee is the Question of reporting Progress.

MR. T. P. O'CONNOR: I would suggest to my hon. Friend (Dr. Kenny) that he should withdraw the Motion to report Progress, so that we can continue the discussion.

DR. KENNY: I beg leave to withdraw my Motion.

Motion, by leave, *withdrawn.*

MR. ANDERSON (Elgin and Nairn): I will not detain the Committee long, but I must say that it is irritating to be told that we have been occupying time about a frivolous Amendment. The hon. and learned Attorney General tells us that we are introducing into this discussion a foreign question. Well, I protest, and I hope we shall all protest to the last against the introduction of the foreign and hateful provisions of this clause.

Question, "That those words be inserted in the proposed Amendment," put, and *negatived.*

Question put,

"That the words, 'In case of its being intended to call any witness examined under this section in support of a criminal charge, notice thereof shall be given to the accused ten days before the trial or hearing. The accused, by himself or his solicitor, shall be entitled to see and examine such witness, and for this purpose shall be entitled to call for the production of such witness at any time and place in the proclaimed district, be there added.'"—(*Mr. Anderson.*)

The Committee *divided:*—Ayes 124; Noes 219: Majority 95.—(Div. List, No. 146.)

MR. T. M. HEALY (Longford, N.): I do not know whether the Government have any objection to the next Amendment that stands in my name. I beg to move it. This is obstruction.

Amendment proposed,

In page 2, at end, add—"Depositions taken under this section may be used at any time during the trial of an accused person by the accused or his advisers for the purpose of cross-examination or comment upon discrepancies or contradictions, and whether such cross-examination or comment relate to the evidence of a witness examined at such inquiry, or otherwise."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there added."

Mr. Anderson

MR. HOLMES refused to accept the Amendment.

Amendment, by leave, *withdrawn.*

MR. T. M. HEALY: I beg to move the next Amendment standing in my name—namely, to add at end of page 2—

"The provisions of the Magistrates Protection Act shall not apply to any magistrate exercising powers under this section."

The Government have been telling us all along that if the magistrates act out of their jurisdiction, or improperly, an action can always lie against them. The right hon. and learned Attorney General for Ireland (Mr. Holmes) has waxed eloquent upon the actions that may be brought against magistrates if they act improperly, or out of their jurisdiction. Now, I wish to call the attention of the Committee to the provisions of the Magistrates' Protection Act. The measure was passed in 1849, in rather a dark period of British law in regard to criminal matters. The 1st section of the Act provides that any action against a magistrate must be brought as a test. That is a beautiful provision. And then you must allege that the act of the magistrate of which you complain was done maliciously and without reasonable cause. I should like to put the matter to the hon. and learned Attorney General for England, who certainly—without any disrespect to the right hon. and learned Gentleman the Attorney General for Ireland—whose ability and courtesy I am glad to acknowledge—has shown us great courtesy. I would ask him how he would like to appear in an action in which it would have to be shown that the act was done maliciously and without reasonable and probable cause? It is an absurdity to throw on a man the necessity of proving that. It could not be proved. Nobody could show malice on the part of the magistrate, and nobody could show that his act was done without reasonable and proper cause. The right hon. and learned Attorney General for Ireland will soon be in the Queen's Bench, and what an amusing thing it would be for me to argue before him that Captain Plunkett had done a thing without reasonable or probable cause. Why, the right hon. and learned Gentleman would sling his wig at me at such an extravagant proposition. He would assume—as a matter of law—that every magistrate did act with reasonable and proper cause. Another section of the Act provides that the proceedings shall not be taken in respect of a conviction, or order, until after the conviction or order has been quashed. Then the action must be started within six months, and notice of the action must be given within one month. I do not see why this Magistrates' Protection Act, which is 38 years old, should apply. As the Government have been going on all along on the pretence that a person who has been wronged will have his action, and as they have provided to have the question which the witness refuses to answer stated in the warrant, it seems to me that the whole question of whether the magistrate has done an illegal act or not might fairly be allowed to go to the jury. I do trust that, under the circumstances, the Government will say that the Magistrates' Protection Act shall not apply. As all the men who will be committed under this section will probably be very poor, I hope the Government will see their way to denude the magistrates of this unfair protection, which was created before such legislation as that now before us was ever dreamt of. English Members must remember that the cost of defending these actions will be paid by the State. It is not like an ordinary case, where the defendant has to defray the cost out of his own pocket. If an action is brought against a magistrate or the police in Ireland, the Government pay for it. Seeing, therefore, that the Government have the purse of the British Treasury at their disposal, and that the magistrates practically cannot suffer for any tortious act they may commit, I think that something like fair play should be granted to those who claim that they have been unjustly treated. I hope that the Government will see their way to accept the Amendment.

Amendment proposed,

In page 2, at end, to add—"The provisions of the Magistrates' Protection Act shall not apply to any magistrate exercising powers under this section."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): I have listened with great attention to the arguments of the hon. and learned Member (Mr. T. M. Healy), and I am willing, I am sure, to follow the example of my right hon. and learned Friend the Attorney General for Ireland (Mr. Holmes), and to answer any arguments that are put before me. I cannot admit, however, that the hon. and learned Member has given any reason why an exception should be made in this case. I am sure it was quite unintentional on the hon. and learned Member's part, but I do not think he has quite clearly brought before the House the distinction between the two cases to which he has referred. If the magistrate has exercised his discretion in a perfectly *bonâ fide* way, acting, at the same time, within his jurisdiction, the Act provides that he shall not be held liable. If he has made a mistake, malice has to be proved against him. If, however, the magistrate has acted beyond his jurisdiction, no such allegation as that of reasonable and probable cause is necessary. This was not an Act passed for the first time in what the hon. and learned Member calls the dark ages of the Criminal Law. It was a measure amending a series of Acts, which went as far back as 10 *Charles* I., and 43 *Geo.* III., whereby protection was given to the magistrates. The Act has been on the Statute Book since 1849, and a similar Act in regard to England has been on the Statute Book since 1848. I need not remind the hon. and learned Member that there has been a series of Coercion Acts in which the jurisdiction of magistrates has been extended. I do not think the hon. and learned Gentleman is able to produce a single case in which injustice has been done by a magistrate acting maliciously, or outside his jurisdiction, and there has been a failure to get damages or justice. If the hon. and learned Member can show us any case in respect of which there is a reason why magistrates acting *bonâ fide* should be made liable, and why magistrates exceeding their jurisdiction should not be subjected to the same liability as under the existing law, I shall be glad to hear it. But I think that no such case has been, or can be, produced. I do not see why we should make any alteration in the law in the manner proposed.

MR. MAURICE HEALY (Cork): I am afraid that the hon. and learned Gentleman the Attorney General (Sir Richard

Webster) has not quite accurately grasped the position in which the Amendment places the clause in the face of the existing law. Now, as regards either condition of magistrates—he, on the one hand, who acts within his jurisdiction, and he, on the other hand, who acts without his jurisdiction—which comes under the influence of the Justices' Protection Act, I think I can show that the Government have either not understood the Amendment of my hon. and learned Friend (Mr. T. M. Healy), or they have blindly taken an altogether and totally wrong view of the matter. As regards the first section of the Act, I may point out to right hon. Gentlemen opposite that the bulk of the Representatives from Ireland has kept urging the Government that the section should be administered by trained lawyers only, and not by every person incapable and partially capable who might have the good fortune to get appointed. When trained lawyers are appointed, it will be quite obvious to the Government that these gentlemen will be able, because they know the law, to act within their jurisdiction, and thus a great number of what might turn out to be very serious mistakes indeed, committed by incompetent persons, would be altogether avoided. It is my opinion that when the Government can take upon themselves the serious responsibility of giving the enormous powers under this section to a body of untrained men, the Government ought to be prepared to provide that, at the very least, the men who accept the powers should take the consequences of their own ignorance. Hon. Members on this side of the House have kept asking the Government that the men upon whom this authority is to devolve should be lawyers, and they have proposed Amendment after Amendment in that direction without apparent effect. But the Government have thought fit to take another view than that the enormous and tremendous machinery of this clause should not be exercised except by some persons who were acquainted in a skilled manner with the law, and they have steadily refused all our Amendments designed to destroy this evil-bearing blot. The Government see perfectly well the liabilities of the risks which will be run, the clause passing in its present shape, in the working of the machinery of the new law, and yet they have assurance enough to coolly tell us now that, notwithstanding those adverse facts, they are quite prepared and willing to protect the incapable inquisitors, so long as they are such, whether they distinguish themselves by making mistakes or not. When a man suffers imprisonment through the incompetency of some of these darlings of the Government, it will be comical consolation to him to be told that the Government consider the erring magistrate has acted within his jurisdiction, because, practically, the ignoring of the error amounts to that. I must repeat most strongly that it is a monstrous thing that the Government should get up and tell this House and the country, that if the captains and colonels of Militia, and other persons of that character, in Ireland, who happen to be the agents of the Government for administering coercion commit serious and far-reaching errors of judgment under the plain law, by reason of their incompetency, and cause to be improperly imprisoned innocent persons, those errors will be hoodwinked, and the men who are guilty of them will have thrown around them the defending shield provided by this Magistrates' Protection Act, I say that this is most unfair. I would urge on the Government that if they are determined that this clause is to be worked by untrained persons—by men ignorant of the law, instead of by skilled lawyers—let us have the satisfaction of knowing that the gentlemen exercising the power will be compelled to take the consequences of their own ignorance and malpractice, and will be liable to the same consequences as other persons who make similar mistakes. It will be a most unjust thing if any person, who by the command of these magistrates, wielding their authority wrongfully and ignorantly, having been improperly imprisoned, is prevented, at any rate, from taking advantage and consolation for gross injury from whatever poor remedy he may have in an action at law. As to the second branch of the hon. and learned Attorney General's argument, I think he is somewhat incorrect in his notions as to the application of the provisions of the Magistrates' Protection Act. The Government, in this case, also have committed the mistake of allowing after-evils to spring up as a result of not destroying or removing or modifying root-evils. The Government have refused the Party that sits on these Benches Amendments aiming at enabling any accused persons to go behind the warrant, in order that the true facts might be reached and taken advantage of—that is to say, as a matter of fact the Government will not allow any Court which has jurisdiction in these matters to go into exactly the facts and circumstances of the case and what exactly occurred. I ask hon. Gentlemen on the Government Bench, is it at all a fair thing to throw on a man, placed at enormous disadvantages, the burdens which the Magistrates' Protection Act casts upon him. First of all, the party conflicting with the incompetent administrator will have to show cause why he will have to set aside the order upon which he is committed before he can take action according to the ordinary law of the land. Any magistrate of ordinary capacity and knowledge can draw a warrant which, on the face of it, leaves him always within jurisdiction. We had an example in point, the other day in Ireland, of how abuses and friction will arise under this clause if the Government allow it to remain unaltered. In the case of the Rev. Father Keller, the Court of Bankruptcy, through Judge Boyd, committed the witness (the Rev. Father Keller) to prison for refusing to answer certain questions. Now, the Act under which the learned Judge committed the defendant for that contumacy required that no question should be put to a witness, except such questions as related to the property of the bankrupt whose case was under the consideration of the Court. If anything could be plain, it was plain, from the warrant, that the questions put to the Rev. Father Keller had no relation to the property of the bankrupt at all, but was simply a question of this character—"Whom did you meet in the town hall at Youghal on such a day?" Thus the Court decided that it would not go behind the warrant, and held that it lay on the person being questioned to show that by any possibility the question could be relevant. But then, any Court will throw on the defendant the onus of showing that the questions refused to be answered are questions which could not possibly be relevant. I need not say that it would be practically impossible in connection with a circumstance in a case like this, which is remote and preposterous, to——

THE CHAIRMAN: I must say to the hon. Member that I am unable to see the relevancy of what he is saying to the subject under debate.

MR. MAURICE HEALY: Sir, I will point out how I regard what I have said as relevant. I am now arguing that under the Magistrates' Protection Act before any person can bring an action in respect of any committal to prison under this section, the warrant of imprisonment should first be set aside. Now, having regard to the form of the warrant it would be practically impossible to get any Court to do any such thing. I think, Sir, this is relevant. To me it does not appear to be at all fair that any person sent to prison under this section should be called upon first to set aside the warrant under which he has been committed, because in practice I am confidently of opinion that any such thing would be absolutely impossible. In a word, Sir, I would ask the Government seriously to consider the whole bearing of this matter. In either aspect whether on the one hand in the case where the magistrate acts within his jurisdiction, or on the other hand in the case where the magistrate acts without his jurisdiction I would contend that the Amendment of my hon. and learned Friend is a fair and reasonable one. It would be quite obvious to every unbiased person, that where a magistrate exercises such enormous powers of authority as the Government propose to extend to the Irish magistrates, the shortcomings and errors and offences of those magistrates should not be palliated or defended on the plea that the offenders not being trained persons in the law, are not responsible for what they do. All we want is that these men shall be responsible for what they do. It will be for the Government to appoint capable persons, but if it should happen that serious mistakes occur, it will be decidedly monstrous that all persons concerned shall be enabled to escape responsibility for their wrong-doing.

DR. CLARK (Caithness): I beg, Sir, to move that you do now report Progress, and ask leave to sit again. As a matter of fact, we are all more than tired, and if we do not get home we shall not be in a very fit state for our duties to-morrow. We were here to about 3 o'clock this morning, and now it is a quarter past 1. We are to meet to-morrow at 12, and as I understand the Government intend to take other Business to-night, I hope the Government will see their way to drop this debate and to allow us to proceed with the remaining Business on the Paper. If we get away by 2 o'clock this morning we will have then only 10 hours between this and the meeting of the House to-morrow, to go home, sleep, eat, and get back again. I would earnestly point out to the Government that there is no use of coercing the House of Commons after the manner in which Ireland is coerced.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I must say to the hon. Member for Caithness (Dr. Clark) at once that the Government cannot assent to the proposal to report Progress. There is an understanding that this clause shall be disposed of to-night, and I hope that there will be little longer delay in bringing the discussion to an end. As to the few remaining Amendments, we will strive to get through them as quickly as possible; and I ask hon. Gentleman below the Gangway to assist us in that purpose.

MR. T. M. HEALY: I said early in the evening that, so far as I was concerned, I was quite willing to go on with these Amendments.

DR. CLARK: Sir, I see that there are about seven Amendments, and it is the most likely thing in the world that we may be here until 3 or 4 o'clock to-morrow morning in discussing them. [*Ministerial cheers.*] Perhaps hon. Gentlemen desire to remain here through the night. I have no objection to remain myself, but besides the hon. Members it must be recollected that there are the servants and officers on duty to be considered. If you want to get this clause done with, I think that hon. Members from Ireland might very well withdraw such Amendments as have small chance of acceptance from an unwilling Government. If the House has come to an understanding about finishing this clause, what on earth is the use of wasting time in talking about it—the one side trying to convince the other of something of which they will not be convinced. I hope that hon. Members will see their way, either to go home at something like an early hour, or to cease talking about a matter which has already been decided.

THE CHAIRMAN: Does the hon. Member for Caithness withdraw his Motion to report Progress

DR. CLARK: Yes.

Motion, by leave, *withdrawn.*

MR. T. M. HEALY: I have been in the habit of sitting here and moving Amendments for years, without cheers from either Party in the House; and I intend, so long as I remain in the House, to do my duty to those whom I represent, irrespective of the opinion of anybody above, below, behind, or alongside of the Gangway. I feel considerable sympathy with the officers of the House on duty, and especially with you, Sir (Mr. Courtney), who always do your work satisfactorily and fairly. In order that the clause may be got through speedily, perhaps the Government will be willing to do something of the nature of a compromise. Mr. Courtney, perhaps you will allow me to say that, simply out of deference to yourself and the officers of the House, that I would be quite willing to agree with any reasonable suggestion from the Government which will be anything of the character of a settlement in regard to the remaining Amendments on this clause.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): As to the few remaining Amendments, there are some to which the Government, of course, cannot assent. As to No. 130, the House will not take that. It will be recollected that we promised some modification of it.

MR. T. M. HEALY: You did not say a word about that before.

MR. A. J. BALFOUR: Then I think Nos. 127, 128, 129, 130 may go.

MR. T. M. HEALY: I put it to the Government, if that is a reasonable way of meeting hon. Members on these Benches? You may talk about Obstruction so long as you like; but I, for my part, have never spoken a word since this Committee commenced which could be construed into Obstruction. Now, however, I will withdraw the Amendment under the consideration of the House, and proceed to discuss my next Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 2, at end, to add—"At the trial of any accused person, the Crown shall, if required by the accused, produce, for cross-examination, every person examined at any inquiry under this section in the same way as they are now bound to produce for examination by the accused all witnesses examined before a Grand Jury."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there added."

MR. T. M. HEALY: The inquiry under the Act is meant to be serious or not serious. Any inquiry, to be efficient, must be substantial, accurate, painstaking, and close; and every witness to the inquiry should have something to say which would throw light, in some way, upon the subject under investigation. The Government cannot think it likely that, if I was defending a prisoner, I would ask to have produced at the trial any witness who had not said anything in his depositions which would entitle him to be called by me in Court. The witness's name would be on the top of the indictment, and the Crown would have to produce him. The Government would put the accused to the trouble of calling and paying for witnesses, whether they were needful or not. The Treasury does not advance money for the payment or producing of witnesses, Thus, in the case of the Maamtrasna trials, the Crown compelled the accused to bring up their witnesses. I will be willing to compromise with the Government, by suggesting that the clause should apply to cases where 10 days' notice have been given. I make a rule not to speak on anybody else's Amendments, because I think I talk long enough on my own; but I expect to be fairly met when I make a fair offer. I cannot be accused of obstructing, because I do not talk till I know what I am talking about. Under all the circumstances, I would ask the Government to accede to my Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I do not think that there is any great—if any at all—necessity for the Amendment proposed by the hon. and learned Member for North Longford. The ordinary procedure meets every difficulty. I think, indeed, that there are many cases in which the witness's answer to any question put with the view of detecting a crime would be that he knew nothing whatever about the matter. I certainly am of opinion that it would be very hard on the taxpayers of the country, and on the witnesses themselves, if all the witnesses should be brought forward at large expense to the public, and detained upon the chance of the prisoner's counsel calling them. The Crown know the witnesses they rely on, and they accordingly put them on the back of their bill, and I think that it is not too much to presume that the prisoner's counsel should know the witnesses upon which his case relies. There is certainly no need of the Amendment, and it is not of such a sort that the Government can entertain it.

MR. O'DOHERTY (Donegal, N.): I am afraid, Sir, that the right hon. and learned Gentleman the Attorney General for Ireland scarcely speaks with accuracy in this matter. There is one thing which is keenly impressed on the minds of witnesses in the process of taking depositions, and that is that everything said or urged on behalf of the prisoner shall go into the depositions and be sent forward, so that they shall be available for the prisoner as well as for the Crown. Some of these are not in favour of the Crown at all, but strongly in favour of the prisoner, and this very fact is one of the brightest parts of the criminal procedure in Ireland, and is strongly upborne by the Judges. Now, here is a case in exact analogy, as I think, although the right hon. and learned Gentleman cannot see the analogy. You have obtained by private inquiry certain information, and the prisoner, or his counsel or solicitor, discovers that this information would be rather favourable to the prisoner's case, and surely if he gives a few days' notice that he will require the attendance of certain persons at the trial, it is not too much to ask that they shall be in attendance. Then the right hon. and learned Gentleman brings in his appeal on behalf of the British taxpayer. But during the whole time the right hon. and learned Gentleman has been practising at the Bar the British taxpayer has been paying for the attendance of witnesses for the defence at trials, and justice has been administered fairly well upon that plan. Altogether, I think it must be admitted the Amendment is consonant with what has been the practice, and might well be accepted.

Mr. T. M. HEALY: It is a little saddening to think that the right hon. and learned Attorney General has given so little consideration to this matter. He has dealt with the Amendment all along as if these witnesses were to be brought up at Assizes; but the Government have abandoned that altogether, they will try all these people by summary jurisdiction. At Assizes we know the Government are bound to give notice of the witnesses they will produce to support their indictment, but here there will be no indictment, and the Government can bring up anybody, and are we to be told that the Government will only bring up their own men, throwing upon the unfortunate accused the expense of bringing up the other material witnesses? The Government talk as if these cases are to be tried at Assizes, but however difficult it may be to reach Tory understanding, I should have thought my Amendment was clear when I added at the end of it—

> "In the same way as they are now bound to produce for examination by the accused all witnesses examined before a Grand Jury."

This clearly points to my view that the Government will not treat these cases as matters for indictment at all, but will proceed by summary jurisdiction. Now, I will not appeal to the right hon. Gentleman the Chief Secretary for Ireland—"He giveth his beloved sleep"—but I will ask the right hon. and learned Attorney General for Ireland to remember that this is an Amendment dealing with summary jurisdiction. If this were a case dealt with as an indictable offence, you would be compelled to bring up every man who made a deposition; but here you wish to make a choice of the men selecting your own witnesses, and throwing upon the prisoner the duty never cast on him hitherto of bringing up a number of persons who in the case of an indictable offence he would not be bound to bring up at all. I suppose you will only take depositions. I presume so—though I seek enlightenment on this point—I presume you will not make formal depositions in any case where there is going to be summary jurisdiction? That being so, you will use *quo ad* summary trials all the depositions taken at the private inquiry, and you put the accused in a position of disadvantage he would not be in if it were a trial by jury. I put it to the right hon. and learned Attorney General for Ireland as a reasonable man, can he not really see his way to make this concession in common fairness? He must see it is a substantial point, and that it is a totally different thing from a trial at Assizes.

Mr. HOLMES: I can assure hon. Members we have given this Amendment consideration, and that we have no foregone intention to refuse concessions; but, as I have said, this Amendment would be introducing an altogether anomalous procedure, and I do not see the analogy that hon. Members have sought to establish. It is only in the case of indictment that the Crown is required to produce witnesses. In cases of summary jurisdiction the Crown produces persons to give the necessary evidence, and, on the other hand, the evidence necessary for the defence is produced by the accused; and I do not see that the preliminary inquiry can affect that position.

Mr. MAURICE HEALY (Cork): A most discreditable fact in connection with the administration of the Criminal Law in Ireland is the way in which the Crown Officials habitually treat persons required by prisoners to be produced as witnesses. It is the duty of the Crown to pay the expenses of prisoner's witnesses; but the Crown Officials delay to pay the witnesses anything until the trial is over, and sometimes the Assizes last for weeks. I have known an Assize to last for nearly a month. During the whole of this time the Crown keeps the witnesses hanging about the Court, not fixing any time for the trial, not giving any information as to the time within which the trial has no chance of coming on, and compelling the prisoner to advance the expenses of his witnesses during the whole of the time. The object of the Amendment is that where the Crown exercises power under this section, and holds an inquiry for the purpose of getting evidence, and having done that supplies depositions, that it shall be the duty of the Crown to produce at the trial any of the witnesses the prisoner shall call on them to produce. Is there anything unreasonable in that? Let us consider the matter. The Crown has at its disposal the funds of the State, and is unfettered by the want of pecuniary resources; but the unfortunate man under accusation will be in many cases absolutely penniless, and to put upon him the task of keeping witnesses hanging around the Court until they are required, is to impose a burden for which he is quite unequal. I respectfully submit it is not a fair proceeding. I have known cases in which a prisoner's witnesses have had to go to the poor-house night after night while waiting for a case to come on, they not having the means to support themselves meanwhile in the Assize town. Surely it would be a grave scandal to have that sort of thing taking place under this section. The right hon. and learned Attorney General says it would be unreasonable to put on the Crown the duty of bringing up to Petty Sessions, Quarter Sessions, or Assizes, as the case may be, witnesses there is no intention of examining; and, following his usual practice, he gave an illustration, but about as improbable a case as could be imagined. He imagines a case in which the Crown makes an experimental inquiry, and under this dragnet procedure summonses a number of witnesses to the inquiry. It may happen, he says, that a number of witnesses may reply that they know nothing about the circumstances upon which they are questioned, and that it would be hard to compel the Crown to produce such persons as witnesses at the trial. But I may ask what object would a prisoner have in asking the Crown to produce such witnesses? The prisoner will be supplied with a copy of the depositions, and is it conceivable, after he has had that copy, that he will require the attendance of a number of persons whose appearance would be of no value to support his case? With all respect, I cannot but say the reply of the right hon. and learned Attorney General is likely to mislead the Committee. Is it not only fair, that if the Crown chooses to examine witnesses under the powers of this section, that they should, at any rate, produce these witnesses for cross-examination, if the prisoner's defence requires that?—— [*Interruptions.*]

MR. T. M. HEALY: The understanding was that the Government should endeavour to keep their Followers behind them quiet. The hon. Member for South Kensington (Sir Algernon Borthwick) and others near him are somewhat demonstrative, and I fear we shall be forced to make a Motion which, for my own part, I should be reluctant to do. The Government do not seem to have grasped the importance of this Amendment. I have known prisoners compelled to plead guilty, simply because they were unable to keep their witnesses hanging about the Court waiting for the trial for days. I have known this, and Judges have known it. The Crown have nothing like law and order in their arrangements for the trials of prisoners; a man never knows when the case in which he is concerned will come on. I saw myself, during Cork Assizes in 1880, 300 witnesses waiting about the Court, not one of them knowing when he would be wanted. All these 300 persons were detained at the expense of the prisoners, and many of them were compelled to go to the poor-house for shelter and food, because prisoners were unable to support them. I have known an Assize to last a month, with an adjournment over Christmas, and witnesses having to go to the poor-house for their Christmas dinner. Even before the trial was reached, after weeks of delay, I have known witnesses compelled to go away, something at their farm or home requiring them to return, and prisoners have had to plead guilty. I am quite sure the right hon. Gentleman the Chief Secretary for Ireland knows nothing about this, nor can it be expected that the hon. and learned Attorney General for England has the knowledge, and I am quite sure the mind of the right hon. Gentleman the First Lord of the Treasury is a blank on the subject, but to the right hon. and learned Attorney General for Ireland I would say he really should not—when he gets a conviction, as he will, from his Resident Magistrates in these matters—he really should not inflict this fine, in addition to the conviction, on the unfortunate prisoner, by compelling him to keep his witnesses waiting. I have yet to learn if the witnesses are to be paid by the Crown. Is it likely that a prisoner would call witnesses who would be of no use to him? If the Government fear that, surely they can meet that by words requiring 10 days' notice to be given. I am willing to accept that Amendment of my Amendment. But to say, when you can gather to the Winter Assizes at Cork from that county, from Limerick, and Kerry witnesses by the hundred, poor, wretched, spiritless creatures, who hang round the Court, some of them smelling of their poverty, when you have collected them and driven them to the poor-house for shelter, keeping them waiting in uncertainty because you will not take the cases in alphabetical or any other order, then I say, under such circumstances, it is only reasonable that we should press upon the attention of the Government the justice of requiring that the Crown shall pay the expenses of witnesses in any case where the attendance of such is required by the prisoner for his defence. Let the Crown proceed to recover afterwards if a witness is not called, and it is shown that the expense incurred was wholly unnecessary.

MR. EDWARD HARRINGTON (Kerry, W.): I only wish to make a suggestion which might be considered reasonable. Let a list be supplied to the accused of all the witnesses examined before the secret investigation, and from that list let the accused have the right to impose on the Crown the duty of producing at the trial those persons whose evidence is required. That, I think, would meet the object my hon. and learned Friend (Mr. T. M. Healy) desires to attain. I am disposed to think that the Amendment, as it stands, is rather sweeping, because it might involve the bringing up of a whole country side because they were summoned to a secret investigation. Something in the nature of the provision I describe would, I think, meet the case where a prisoner is unable to provide for his witnesses.

DR. KENNY (Cork, S.): I think that an unanswerable case has been made out for the Amendment. I am not a lawyer, and have nothing to do with legal procedure; but I am familiar with the state of things in an Assize town which has been described, and I know, from experience as a workhouse officer, that the people summoned as witnesses have sought shelter in the workhouse. You have in the latter part of the Bill a clause for changing the venue. Does not the hon. and learned Attorney General consider it a fair thing, under this clause, this very oppressive clause, not inaptly called the "Star Chamber" Clause, that a number of witnesses shall be examined and evidence collected, of which the prisoner should not be allowed to avail himself, he not having the means of compelling the attendance of witnesses on his behalf? The Government are anxious to get this clause passed tonight; and would it not be wiser—more conducive to that end—to accept this small concession so cogently, so strongly urged, than to refuse and lead to unnecessary prolongation of debate? In some way, I think, the Government might promise a concession that would meet the point so strongly urged.

MR. DODDS (Stockton): I have not spoken before in this Committee, and do so now to make a suggestion that the Government might meet the object of the Amendment, if the hon. and learned Member for North Longford (Mr. T. M. Healy), instead of requiring the attendance of every person examined at the preliminary inquiry, would amend his Amendment by substituting the words after "cross-examination"—

"Such of the persons examined at the preliminary inquiry under this section as the accused person considers necessary for the purposes of his defence."

I think, with an alteration of that kind, the Government might accept the Amendment. They have pleaded the cost to the British taxpayer; but surely, when a man is accused under a new mode of procedure never heard of before in this country—surely every facility should be given him to defend himself by the attendance of witnesses. It has been pointed out how difficult it is for a prisoner to keep his witnesses in attendance owing to poverty; and, under the circumstances, I do think an accused person has a right to demand this as only justice, not from the Government, but from the British taxpayer.

MR. T. M. HEALY: I shall be happy to accept this suggestion of the hon. Member for Stockton, and I am quite ready to strike out the words after "cross-examination," and the Amendment might run—"Such persons with regard to whom notice shall have been given by the accused;" and, if you like, insert "ten days" before "notice."

MR. HOLMES: The practical effect of this would be to introduce a practice that is unknown to Irish or English law. I am not qualified to speak about Scotch law. In exceptional cases, as I have shown, the Crown is charged with the expenses of witnesses for the defence; but in this particular suggestion of the hon. Member, the Crown is to pay for all witnesses of the prisoner at the Court of Summary Jurisdiction, as well as at Assizes and Quarter Sessions.

Mr. DODDS: No; my suggestion was that the Crown should produce in examination before Resident Magistrates, such of the persons who had been examined in the preliminary inquiry as the prisoner, or his counsel, think necessary for the defence. To pursue, in fact, in this examination the same course as would be followed had an indictment been brought, except in that case the names of the witnesses would be on the back of the indictment.

Mr. HOLMES: These are the witnesses upon whom the Crown relies to support the indictment. But in cases of summary jurisdiction the Crown does not produce the witnesses for the defence. How can you refuse, if you grant this to make the same concession to prisoners in England?

Mr. T. M. HEALY: There is no preliminary inquiry.

Mr. HOLMES: The inquiry makes no difference in the world. I think the matter has now been fully discussed, and we might make another step towards reaching the end of the clause.

Mr. O'HEA (Donegal, W.): I think the importance of this Amendment has been fully shown. The hon. and learned Attorney General has informed the Committee that the Crown will call those witnesses upon whom they rely. But out of 15 or 20 persons examined at the preliminary inquiry there may be only five or six examined at the trial of the accused. We know also, for experience has not been wanting, that evidence may be fabricated in Ireland by informers. The evidence relied upon by the Crown may be such as to satisfy gentlemen of the calibre and unscrupulousness of Mr. George Bolton. But there may be a number of persons called before the inquiry whose evidence is worthless to the Crown, but might be material for the defence. If a list of these witnesses were supplied to the accused, and he had reason to believe that the attendance of some of them would be material to his defence, I think he has a right to the advantage of their testimony. There are a number of defences—that of an *alibi*, would, I suppose, be a very common one—in regard to which the evidence of such persons might be material, and the Amendment appears to me a most reasonable one.

Mr. T. M. HEALY: The argument of the hon. and learned Attorney General, that the same practice might be demanded in England, is wholly beside the question, for in England it is not the Crown usually that prosecutes, it is an individual; except in a very few cases in England the Crown does not take up the prosecution, while in Ireland it is usually the Queen who is the prosecutor. There is no argument to be founded on the procedure in the two countries. I shall certainly press my Amendment.

Mr. P. J. POWER (Waterford, E.): I fail to see why this reasonable Amendment should be refused. It is bad enough to deprive the Irish people of trial by jury, without depriving them of the right they undoubtedly would possess if they went before a jury upon indictment. It is vain to attempt to draw the parallel between England and Ireland in reference to the law it is proposed to establish in Ireland. If you are going to send men before two Stipendiary Magistrates, depriving them of the right of trial by a jury of their fellow-countrymen, it is only right that they should have the means of producing the witnesses in the one case as in the other, that their case may be properly investigated. On the ground of unnecessary expense, I see no objection to the Amendment, because my hon. Friend has agreed to accept an Amendment by which the Crown shall receive 10 days' notice of the witnesses the accused proposes to call, and the Crown could object to any if they were unnecessary. The reasonable character of the Amendment has been brought out by the discussion we have had, limited as it has been by the conspiracy of silence on the Government Bench, of which evidence has been given on so many former occasions.

Question put.

The Committee *divided:*—Ayes 86; Noes 191: Majority 105.—(Div. List, No. 147.)

Amendment proposed,

In page 2, at end, add—"There shall be laid before Parliament, at the beginning of every Session, a Return showing the number of inquiries held since the preceding Session, the number of summonses issued, the number of witnesses examined, the names of, and the sentences on, the persons committed for contempt, and the result, if any, of each inquiry."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): I dare say I shall save the time of the House if I now say the Government are prepared, in accordance with their pledge given the other night, to accept words to this effect—

"That there shall be published quarterly in *The Dublin Gazette* a Return showing the number of inquiries held during the preceding quarter, the hours during which such inquiries were held, the number of summonses issued, the number of witnesses examined, and the names and calling of persons committed for contempt of Court."

MR. T. M. HEALY: There is one point omitted. I should like the Return to indicate the number of days each inquiry occupied.

SIR RICHARD WEBSTER: Very well; that shall be added.

MR. MURPHY (Dublin, St. Patrick's): Will the hon. and learned Gentleman also give the names of persons committed for contempt and who are still detained in prison at the end of each quarter?

SIR RICHARD WEBSTER: Certainly. The Return will give the names of the persons committed, and the sentences imposed on them.

MR. MURPHY: But there may be cases in which no sentence has been passed, and where after mere detention the persons may have been released. The object of my suggestion is to enable it to be seen who are actually in prison at the time of the publication of the Return.

SIR RICHARD WEBSTER: The information will be included in the Return.

Amendment, by leave, *withdrawn.*

Amendment (*Sir Richard Webster*) *agreed to.*

MR. CHANCE (Kilkenny, S.): I am happy to say we are getting to the end of the Amendments on this clause. I beg to move, as an Amendment, the addition of a Proviso at the end of the clause. This Proviso is, I may explain, intended to provide against the depositions at the private inquiry being modified and contracted before production in open Court. I need hardly point out that the original notes would certainly be better evidence than a *résumé* of the witness's examination drawn out by a Resident Magistrate.

Amendment proposed,

In page 2, at end, add—"The original shorthand notes of the shorthand writer shall be preserved in the office of the Clerk of the Crown for the county in which such inquiry as aforesaid shall be held, and so much thereof as relates to the examination of a witness shall be annexed to the deposition or depositions of such witness, and in all legal proceedings, civil or criminal, be produced therewith, and may be used in such proceeding to contradict or modify the statements made in such deposition or depositions, or to discredit the same."

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I ought briefly to explain our objection to this proposal. It is already practically provided that the witness's statement shall be taken down by the Resident Magistrate, and afterwards read over to the witness and signed by him. When we consented that shorthand notes should be taken, a discussion turned on whether the word should be deposition or statement, and we propose to restore the word deposition. There is no objection that the shorthand writer's note should be attached to the deposition on every occasion on which it is brought into Court, and the Government will take the best means of providing that this shall be done. But I submit that if these words are introduced into this clause it will lead to confusion between depositions and statements.

MR. CHANCE: On the understanding that my object shall be otherwise attained I will withdraw my Amendment.

Amendment, by leave, *withdrawn.*

New Amendment proposed.

MR. O'DOHERTY (Donegal, N.): In the original sub-section it is provided that the witness shall be brought up to the inquiry by process solely confined to indictable offences. I pointed that out to the Law Officers, and they agreed that the enactment relating to ordinary summary offences should also be included. Accordingly, we altered the words as follows:—

"The enactment of the Petty Sessions Act concerning matters of information for indictable offences, or concerning matters for summary conviction, shall apply for the purposes of the section."

That arrangement was made because

we pointed out that if the summary process alone were used, it would operate very harshly. But there was another difficulty—that an offence punishable as a summary offence may also be tried by indictment, and, therefore, the Resident Magistrate at an inquiry might use whatever machinery he pleased. I would, therefore, propose an Amendment to the effect that the Attorney General, on being informed of the nature of the offence, shall inquire in the direction pointed out in these words whether it shall be tried summarily or by indictment, and he shall indicate the same to the Resident Magistrate, and show him what machinery he shall apply in bringing witnesses before him.

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): I do not think the point as to this can be settled until the remaining clauses have been gone through. It does not seem at present possible to accept the Amendment in the form which the hon. Member proposes. Suppose, for instance, there was an offence committed, say, the houghing of cattle, there might be some minor offences involved, and we cannot tell beforehand what it may be necessary to do in such a case. I am quite willing to undertake to consider the suggestion of the hon. Member.

Mr. CHANCE: I would like to point out that before an inquiry can be held there must be a sworn information that an offence has been committed. Therefore, before the Attorney General can set the clause in motion, he must know precisely the technical description of the alleged offence. I do not see that his observations are very much to the point.

Mr. O'DOHERTY: I am satisfied that, having called the attention of the Law Officers to the matter, they will make it all right on Report. I will, therefore, withdraw my Amendment.

Amendment, by leave, *withdrawn.*

New Amendment proposed.

Mr. CHANCE: I think this is only reasonable. The Crown possesses enormous powers, and, they having obtained their evidence, I do not see why the whole of it should not be available for the trial.

The CHAIRMAN: If it is intended simply for the information of the accused, then it is already provided for in the Proviso at the end of the sub-section, which requires that, in the event of any person being accused of crime, copies of the depositions taken in the inquiry shall be sent to him.

Mr. CHANCE: On a point of Order, Sir, Amendment 127, which has practically been passed, refers to the trial of an accused person before a Court and jury. My present Amendment deals also with the proceedings before a magistrate. In addition, it will be necessary to produce the witnesses to the Grand Jury; under Amendment 127 it is not necessary to do so.

The CHAIRMAN: The Amendment is one which cannot now be taken, inasmuch as another practically applying to both cases has been rejected. The Committee has already decided the question of principle thus raised.

Question proposed, "That the Clause, as amended, stand part of the Bill."

Mr. T. M. HEALY (Longford, N.): Now, Mr. Courtney, the hour has arrived when I think we may give the clause a parting kick, as the noble Lord the Member for South Paddington (Lord Randolph Churchill) said of the Land Bill. That the discussion of the clause has not been profitless is shown by the result that, whereas, as originally drawn, it contained only 33 lines, it now consists of 110 lines, irrespective of Amendments to the body of the clause, but not adding to its length. The Government have realized how rude was its structure, how crudely drawn it was. I say this, not for the purpose of casting discredit upon the Law Officers of the Government who have charge of the Bill, it only shows that they were not acquainted with facts we had collected from a careful watching of a similar clause in the Bill of the right hon. Member for Derby. The clause in that former Bill passed in one night. I remember that we, in Ireland, at the time were in ignorance of the scope of this secret inquiry clause; but it is in consequence of our observation of the manner in which it could be used that we felt obliged to move Amendments, and that we have been enabled to do so with so much success, often at very late hours of the night. If we have in some cases restricted and even abandoned our Amendments, let that not be taken in any sense—it is not so far as my Amendments are concerned—an indication that we did not believe that a substantial point was raised ; it was in deference to the convenience of the Committee, which has, barring some little ebullitions of feeling from hon. Gentlemen below the Gangway opposite—excusable, under the circumstances, and nobody objects less to a "row" than myself—addressed itself to the discussion with considerable patience. At the same time, it is only right to say that in the discussions which have sometimes been carried to some length, and not without benefit, we have, on the whole, no complaint of the way in which we have been met by the Law Officers of England and Ireland, although we have been obliged to attack the Attorney General for Ireland, and have received much more attention and concession from the Attorney General for England. All round, I think, now that the clause is finished, we can give the parting kick in good humour.

Question put.

The Committee *divided:*—Ayes 171; Noes 79: Majority 92.—(Div. List, No. 148.)

Committee report Progress; to sit again *To-morrow.*

SUPPLY.—REPORT.

Resolutions [16th May] *reported.*

First Resolution read a second time.

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

DR. CLARK (Caithness): I beg to move the adjournment of the debate. There are some very important questions that come up under the Motion for Supply, and this is too late an hour for their discussion.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Dr. Clark.*)

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): The Resolution which is now before the House has relation to the Army Votes, and upon these I think the hon. Gentleman has no question to raise. I would appeal to him to allow this Resolution to pass, and whatever question he desires to raise can come later.

DR. CLARK: I withdraw my Motion, so far as the Army Votes are concerned.

Motion, by leave, *withdrawn.*

Question put, and *agreed to.*

Second Resolution read a second time.

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

DR. CLARK: There were questions left over for discussion upon this Vote early yesterday morning, and I trust the Government will not refuse an opportunity for bringing them forward. I now beg to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Dr. Clark.*)

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I hope the hon. Member will not persevere with this Motion. We must resist it, and if, instead of occupying time in a Division, the hon. Member will bring forward the questions he desires to raise, we are quite ready to answer them forthwith.

MR. HANDEL COSSHAM (Bristol, E.): I think it is highly inconvenient to discuss questions relating to large expenditure at this hour of the morning.

Question put.

The House *divided:*—Ayes 58; Noes 105: Majority 47.—(Div. List No. 149.)

Original Question again proposed.

MR. HANDEL COSSHAM: I beg, Sir, to move the adjournment of the debate.

MR. SPEAKER: Order, order! The hon. Member cannot do that.

MR. COX (Clare, E.): I beg to move the adjournment of the House.

DR. TANNER (Cork Co., Mid): I beg to second that.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Cox.*)

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I must, Sir, appeal to hon. Members to have regard to the necessities of Supply. It is, of course, quite open to them to do as they are doing; but I would point out that we are prepared to answer any questions they may put relative to these Votes. These Motions are not creditable to hon. Members. If it is desired by hon.

Gentlemen to go home, and if it is desired that you, Sir, and the officers of the House shall have the rest which I am sure the Government admit you need, that object can best be attained by proceeding with the Business, rather than by making dilatory Motions which the Government are bound to oppose.

DR. CLARK: I rose last night, about 11 o'clock, to move the reduction of the salary of the Scotch Lord Advocate; but another hon. Member caught the eye of the Chairman, and a jump was made from the 14th to the 29th Vote. I called attention to the fact later on, and was told that I could not then raise my Motion, but that I could do it on the Report stage. At a quarter-past 1 I moved to report Progress, in order that the Committee might have time to consider these questions; but the right hon. Gentleman the Leader of the House refused to agree to it. Now, at 3 o'clock in the morning, he offers us time to discuss these matters. But why not take them on Thursday night at 1 o'clock, instead of now? It is the obstinacy of the right hon. Gentleman that refuses it. We want a fair time to bring before the House a serious grievance, and we contend that after 3 o'clock in the morning is not a fair time.

MR. W. H. SMITH: I want to point out that the hon. Member can attain his object much more efficiently by moving on the Vote itself. That will give him the opportunity he desires.

DR. CLARK: That will be at the end of the Session.

MR. W. H. SMITH: I hope it will be very much before that.

MR. MURPHY (Dublin, St. Patrick's): I can assure the right hon. Gentleman the Leader of the House that last night a great many Members, and myself among others, were desirous of bringing forward questions on the Vote of Supply in which we took the very greatest interest; but at the instance of the Member for East Mayo (Mr. Dillon), who, though he would hardly get credit for it, urged his colleagues on these Benches not to speak, so that the Vote might be got through last night, we refrained from doing so. I hoped in complying with my hon. Friend's request that I should have an opportunity of speaking on the Report stage. I might point out, in support of our right to a discussion on Report of Supply, that the Government, having taken the whole time of the House, give private Members no opportunity of bringing forward any question whatever affecting their Constituencies. I asked the right hon. Gentleman the Secretary for Ireland, a short time ago, if he would give the House an opportunity of discussing a certain question with reference to Irish affairs before he took any action on the subject. The right hon. Gentleman answered by saying that he had no doubt my ingenuity would find an opportunity for discussing the matter. Well, my ingenuity has not up to this been able to find a single occasion for bringing forward the special matter to which I wished to call attention, and this is the first and only opportunity which has been afforded to me, but which I certainly decline to avail of at 3 o'clock in the morning, as I could not adequately deal with the matter.

MR. T. M. HEALY (Longford, N.): I intended to-night, on the Motion for the Adjournment of the House, to rise and call attention to a matter which occurred earlier in the day with regard to a matter of Procedure. I may as well do it now. You will remember, Mr. Speaker, that you allowed the First Lord of the Treasury to make a Motion——

MR. SPEAKER: Order, order! It is not competent to the hon. and learned Gentleman to raise that question on this Motion.

MR. T. M. HEALY: I understood that, on a Motion for Adjournment, any question could be raised. Do you still rule, Sir, that I cannot raise this now.

MR. SPEAKER: It is not a question of Order that can now be raised. The matter before the House is the adjournment of the House.

MR. T. M. HEALY: Then, with regard to the Motion now before the House, the First Lord of the Treasury has said that these Motions are not creditable to the House. But I will point out that it is not creditable to the House to take money by means of this kind of Vote on Account, and it is not creditable to thus try and get £3,000,000 granted at this hour in the morning, and to refuse us a reasonable time to raise questions of importance on the Report stage. I had intended to raise a question with regard to Ireland; but there is, so far as I can see, no Irish Officer in his place. Is it to be supposed we can have an effective discussion on Irish topics under those circumstances? Nobody has the duties of the Department more at his fingers' end than the Chief Secretary. I do not see him here; but, certainly, his Assistant the right hon. and gallant Gentleman the Member for the Isle of Thanet is true to the death. I think the Chief Secretary ought to be in his place, especially as he is paid a large salary. It does seem unfair, on the part of the Government, to expect us to go on with the Business at this hour, and at a time when the responsible Officer for Ireland is not in his place. If we raise Irish questions the right hon. Gentleman should be on the spot to answer us.

MR. SPEAKER: Order, order! The Question before the House is one of adjournment. The hon. and learned Member must confine himself to that.

MR. T. M. HEALY: I do think, under the circumstances, we must persevere with this Motion as the Chief Secretary is absent. On a previous occasion, some trouble was experienced in getting him here. Will the Government undertake to send for him, if we raise the Irish question now?

MR. BIGGAR (Cavan, W.): I would appeal to the right hon. Gentleman the First Lord of the Treasury, whether or not he is reasonable in objecting to this adjournment? This is not a reasonable hour to go on with the discussion on these Votes. The offer just made by the right hon. Gentleman is simply illusory. He says we shall have an opportunity of raising the questions we wish to when the Votes are taken *seriatim* in Committee. That simply means some time in the remote future, and if an hon. Member were anxious now to raise a matter of an urgent nature, he might by waiting as suggested destroy all his chances of securing a remedy. These Votes are seldom taken before the 1st of July. I hope the right hon. Gentleman will agree to the Motion for Adjournment. Hon. Members on this side are not extravagant in their demands. They say they will be satisfied if Report is taken at 1 o'clock on Thursday morning; and if the right hon. Gentleman would conform to our wishes in these small matters, and would not fight about trifles, he would get on very much better. It would only be a judicious thing to accede to the Motion, and let us wind up the Business of the night and go home.

MR. CHANCE (Kilkenny, S.): I would draw attention to the fact that if we pass this Vote, the Government will have obtained rather more than three months' Supply. I notice that Supply commences on the 31st March, and, therefore, they will have got enough to carry them on till the 1st July. I do not intend to go into the matters they hope to get through before that day; but I have no doubt they expect, by that time, an alteration in the position of the Irish Members; that they trust by means to be taken outside the House to deal effectually with them. We have good reason for discussing these matters fully now. When this Vote came on last night, it was after a long debate in which the Military Members had wearied the House, and having spoken one way, voted the other; and we had little or no opportunity of raising the questions we wanted to. There are several matters of great importance to us. For instance, there is the Registrar General's Vote. There is a certain scheme for altering the status of the clerks in his office. It was smuggled through the Law Department at the Castle, but we were promised an opportunity of discussing it here. It would, however, be impossible for us to do it at this hour in the morning. There are many other Votes of a similar character, and it is simply indecent to take them at this period of the Sitting. We ask the First Lord of the Treasury to act reasonably in this matter, and not rush this Vote of £3,000,000 through the House now without discussion. We may never have an opportunity of discussing it, if we do not take it at this stage. You may have got rid of all of us before the Votes are taken in detail, for we may by that time all be locked up in Irish gaols.

DR. KENNY (Cork, S.): I appeal to the Government to consent to this, and to give us the opportunity we ask of raising questions of importance to us. The right hon. Gentleman promises us a discussion on a future occasion; but, probably, by that time many of us will not be here.

MR. MAURICE HEALY (Cork): I join in the protest against taking the Vote at this inconvenient hour, and on a Motion of this character I had intended to move the reduction of the salary of the Attorney General for Ireland, on account of his action in a prosecution in which it was alleged that the Irish police had very seriously misconducted themselves. There is, too, another matter to which I wished to direct the attention of the Government. But it is practically impossible to do it at the time at which the First Lord of the Treasury wishes to discuss these matters. I refer, Sir, to the failure of the Government to appoint a Judge to the Common Pleas Division, although two months ago they urged it was of great importance to do so. This is a very important matter. It is ridiculous to ask us to go into these discussions at half-past 3 in the morning. The Government should remember that a very short ago they came down to this House, with proposals to enact a permanent Rule prohibiting this House sitting after midnight, and having thus expressed their view as to the hour at which discussions should take place. I do think it is a little audacious on their part to expect us to vote enormous sums on account at this hour in the morning. I trust that the Government will not persist in their intention of insisting on this Vote. There are important points on which we want information, and we ought to have some opportunity of discussing them. The Government should take into consideration the fact that they have had all the time of the House since the beginning of the Session, and have prevented private Members from bringing before the House various subjects.

MR. EDWARD HARRINGTON (Kerry, W.): I am surprised at the attitude of the Government in trying to force us to grant £3,000,000 of money at this hour in the morning. They seem to altogether ignore appeals from this side of the House, and when I say appeals, I only mean the word in the sense that we are claiming our right to an opportunity of discussing these questions. It is all very well to get up and say you can talk now, and we will answer you. But that is not enough. Hon. Members below me want to bring before the House some grievances which might or might not occupy a few minutes; but hon. Members, when they do that, are anxious to do it at a time when their remarks will get into the public Press. We have no personal advantage in that; but we do hold that the discussion should take place at an hour at which it is possible for our grievances, and the Minister's reply to us, to be reported. We cannot hope to do much against the majority in this House, but we do wish to try and exercise some moral influence on public opinion outside. I do think it unreasonable, after the many hours we have been in attendance in this House, to ask us, at half-past 3 in the morning, to go on with this Vote, especially as we have to meet here again at 12 o'clock to-day. The right hon. Gentleman might as well be graceful for once—I do not mean for once in his lifetime, but graceful for once towards the Irish Members—and give up his stubborn attitude.

MR. O'HANLON (Cavan, E.): I rise to join in the appeal to the First Lord of the Treasury. There are many subjects for discussion arising out of this £3,000,000 Vote, and, surely, this is not an hour at which we can be expected to transact Business of such importance. Let the right hon. Gentleman look at his own supporters, and see if his lieutenants are in a fit condition to enter into these matters. It would be a disgrace if, in the present state of the House, we voted away £3,000,000 of money. I think most of the Members of the House have already gone to their homes, and those left are quite ready for their beds; and I confess I do not think we are prepared now to give sufficient consideration to a Vote of this sort. It is time the House adjourned.

Question put.

The House *divided*:—Ayes 55; Noes 103: Majority 48.—(Div. List, No. 150.)

Original Question again proposed.

MR. T. M. HEALY (Longford, N.): Will the Government now send for the Chief Secretary, in order that we may resume the debate upon Irish matters? It will, no doubt, be easy to find him; and if the Government will assure us that the right hon. Gentleman will shortly be in his place, prepared, as we are, to go on with Business, I will withdraw the Motion, which I now make, that this debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. T. M. Healy.*)

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): It is not my intention to prolong this contest. Sir, I have some consideration for your health, and for the officers of the House. But I must make an emphatic protest against this deliberate waste of the time of the House. Reference has been made to the opinion of the country upon the conduct of Business. Yes, Sir, the country will form its judgment upon the action of hon. Members below the Gangway, when we protest against this constant delay in the conduct of the Business of the House, to the detriment of every interest in the country. I consent to the adjournment.

MR. BIGGAR (Cavan, W.): The right hon. Gentleman tells us the public will judge. I do not know if he realizes the issue which is placed before the country. It is, whether a discussion of a Vote of nearly £4,000,000 can be properly carried on between 3 and 4 in the morning. I think, upon that question, the country will decide that the Opposition is right, and the Government wrong.

Question put, and *agreed to.*

Debate *adjourned* till *Thursday.*

EAST INDIA STOCK CONVERSION BILL.—[BILL 263.]

(*Sir John Gorst, Mr. Jackson.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

DR. TANNER (Cork Co., Mid): I must really ask the Government not to go on with this Bill now. The Bill was placed on the Notice Paper only the day before yesterday, and is being shoved on in the most unreasonable way. The Government may think this is a proper way of getting on with Business, and of getting the public money; but we are here to prevent the public money being unduly spent, and I sincerely hope some more time may be allowed us for consideration of this Bill. I will now move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Dr. Tanner.*)

THE UNDER SECRETARY OF STATE FOR INDIA (Sir JOHN GORST) (Chatham): Of course, if hon. Members are determined to oppose Progress, I shall not persist. I may just mention that, so far from this being a Bill for spending public money, it is a Bill for saving money; and if hon. Members were as anxious for the benefit of our Indian fellow-subjects as they profess to be, they would not attempt to stop the Bill.

MR. T. M. HEALY (Longford, N.): I appeal to my hon. Friend (Dr. Tanner) to withdraw his Motion.

DR. TANNER: Of course, I will defer to the wish of my hon. and learned Friend, and will withdraw the Motion; but I must protest most strongly against the way in which Government measures are brought on at a very late hour, and pushed through Committee at the close of a prolonged Sitting.

Motion, by leave, *withdrawn.*

Clause 1 *agreed to.*

Clause 2 (Power of trustees, &c. in relation to exchange of stock).

Amendment proposed.—(*Mr. Salt.*)

THE UNDER SECRETARY OF STATE FOR INDIA (Sir JOHN GORST) (Chatham): I may explain that this is a technical Amendment, which, with others, is proposed to enable holders of 4 per cent Stock, who are trustees for minors or persons of unsound mind, to exchange such Stock for 3½ per cent Stock. The Amendments are suggested by the Bank of England and gentlemen who are aware of Stock standing in small amounts in the name of trustees, and they have been submitted to the Attorney General, and approved by him, from the point of view of a protector of the rights of minors and persons of unsound mind.

MR. CHANCE (Kilkenny, S.): I understand that the power is permissive; and, if so, will it not be somewhat expensive for a trustee to make application for the consent of a Judge of the High Court? Is it not desirable that the conversion should be made compulsory, at once protecting a guardian who has not the power of varying the terms of his trust, and saving the expense of going through the formalities of getting the consent of the Judge to the transfer?

SIR JOHN GORST: It will give the power to a guardian to effect the conversion at a trifling cost.

Amendment *agreed to.*

Further Amendment proposed.

Dr. CLARK (Caithness): We do not hear a word of the Amendments as they are proposed, or when put from the Chair, and we are passing clauses we really know nothing about.

Mr. CHANCE: I would appeal to the hon. and learned Attorney General, would it not be better to make the conversion of the Stock held by trustees compulsory? Will not the form prescribed imply considerable expense to holders of Stock of small amounts? Would it not be better to make the conversion of the Stock compulsory at once?

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): There will be no great expense incurred, and the conversion is optional, and alternative to the redemption of the Stock at par. The guardian may withhold his consent to the exchange.

Mr. CHANCE: As I understand the clause, it is introducing an entirely new principle into lunacy practice.

Sir RICHARD WEBSTER: It may be as the hon. Member says; but, at this late hour, I will not enter upon an argument. I can only say that it is, in our opinion, a proper course in the interest of those concerned. Of course, the hon. Member will have the opportunity of looking into the matter and raising any specific point later.

Mr. T. M. HEALY: I think the Government will recognize the reasonableness of reporting Progress.

Sir JOHN GORST: Of course, if such a Motion is pressed, I cannot resist it; but I would remind the Committee of the importance of time in the matter. If we pass the Bill through Committee to-night, it can be printed and set down for Report on Thursday, and we shall then have an opportunity of considering it.

Mr. CHANCE: Very well; I agree to that.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to.*

Bill *reported;* as amended, to be considered on *Thursday*, and to be *printed.* [Bill 267.]

ADJOURNMENT.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Jackson.*)

Mr. T. M. HEALY (Longford, N.) Upon this Motion, Sir, I rise to a point of Order. It will be within your recollection that I raised the question earlier in the day, in regard to a Motion made by the First Lord of the Treasury, to which neither I nor anyone else offered any opposition. The point on which I asked your ruling was in reference to the Resolution passed by the House that the several stages of the Criminal Law Amendment (Ireland) Bill should have precedence as the first Business of the day whenever it was set down. Now, what I have to submit for your ruling, Sir, is—and I do so only because it is a thing that may occur again—the fact that the first Business of the day was the Motion of the right hon. Gentleman——

Mr. SPEAKER: Order, order! It is not competent for the hon. and learned Gentleman to dispute my ruling; but I may tell him, for his information, that Motions at half-past 4 are not included in the ordinary Motions for the day; they stand in a category by themselves. In that sense I gave my ruling, which I shall not permit the hon. Gentleman to dispute.

Mr. T. M. HEALY: Of course, Sir, I know I must not attempt to do that without Notice of a distinct Motion; but what I want to point out is—and I ask the question, because it may occur again in another case—that the discussion of such a Motion as we had early in the day might last an entire night, and would it not, therefore, be the first Business of the day?

Mr. SPEAKER: The duration of a debate on a Motion brought on at half-past 4 does not affect the principle at all.

Question put, and *agreed to.*

House adjourned at Four o'clock.

HOUSE OF COMMONS,

Wednesday, 18*th May*, 1887.

MINUTES.]—Public Bills—*Committee*—Criminal Law Amendment (Ireland) [217] [*Ninth Night*]—r.p.

Provisional Order Bills — *Ordered — First Reading*—Local Government (No. 3) * [268]. *Second Reading*—Tramways (No. 1) * [257].

MOTIONS.

—o—

COMMITTEES (ASCENSION DAY).

Ordered, That Committees shall not sit To-morrow, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House.—(*Mr. William Henry Smith.*)

LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 3) BILL.

On Motion of Mr. Long, Bill to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Alverstoke, the Boroughs of Dewsbury, Great Torrington, Halifax, and Nottingham, and the Rural Sanitary District of the St. Thomas Union, *ordered* to be brought in by Mr. Long and Mr. Ritchie.

Bill *presented,* and read the first time. [Bill 268.]

ORDER OF THE DAY.

—o—

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. A. J. Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 17th May.*]

[NINTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

SUMMARY JURISDICTION.

Clause 2 (Extension of summary jurisdiction).

MR. CHANCE (Kilkenny, S.): I beg to move the omission in page 2, line 14, of the words—

> "Any person who shall commit any of the following offences in a proclaimed district."

I believe that there exists some mysterious person termed a "draftsman" in the Irish Office. Who he is I do not know, but he receives annually about £2,000; and I think that for £2,000 a-year we might expect something like English grammar, although we may not expect decent drafting. In moving the Amendment, which stands first on the Paper, I will read the few lines of the second clause. They commence by stating—

> "Any person who shall commit any of the following offences in a proclaimed district,"

and one would imagine that the clause would go on to describe the offences in question. It does no such thing. It goes on to describe the offenders in a series of sub-sections, but not the offences. I also wish to call the attention of the Committee to the fact that a most extraordinary method has been used in framing the first line in this clause, because it assumes that every person sent to this special tribunal shall, as a preliminary condition, have committed an offence within the knowledge of some person, and, therefore, must be found guilty as a matter of course. I can conceive no drafting more bad or more grossly careless than to say—"Any person who shall commit an offence shall be tried for it." The whole essence of law is to discover whether a person has committed an offence or not. It is ridiculous to provide that a person shall have committed an offence. It is for these reasons that I move the first Amendment that stands in my name; but I may explain that it is intended to transpose the words of the clause. The clause will read—

> "Any person may be prosecuted before a Court of Summary Jurisdiction under this Act who shall have taken part in any criminal conspiracy to compel or induce any person or persons either not to fulfil his or their legal obligations," &c.

That will, at least, make the clause English, and it will not alter the principle of the clause in the slightest degree. What I object to is the bad grammar and the bad drafting of the Bill.

Amendment proposed, in page 2, line 14, leave out from "who" to "district" in line 15 inclusive.—(*Mr. Chance.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. CHANCE: Before the Attorney General for Ireland rises may I ask, as a point of Order, whether, if this Amendment is passed, it will be competent to move the substitution of the word "shall" for "may"?

THE CHAIRMAN: Yes.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The hon. Member complains of the drafting of the Bill, and he has made a direct attack upon the draftsman. Now, I am not the draftsman myself, but I have found no difficulty in understanding what the clause means, and I do not believe that any tribunal or any Member of the House, on reading over the clause, if he brings his reason to bear on it, will have any difficulty in understanding it. The Government are asked now to recast the entire clause, not for the purpose of altering the sense of the clause, but to meet the views of hon. Members below the Gangway opposite as to mere terms of expression. The Government are not disposed to comply with the request of the hon. Member. If it can be shown that the clause is not intelligible, we will be ready to listen to any suggestion to alter it which may be made. Nothing, however, of the kind has been done, and the clause, as it stands, is perfectly intelligible. I may tell the hon. Member that however wide his knowledge of the Statutes may be, and whatever may be the faults of the draftsman employed in drawing up this clause, the precedents of other Acts which are now on the Statute Book have been followed. The sentence specially pointed to by the hon. Member is one which will be thoroughly understood by the Court, and will undoubtedly have the proper construction put upon it. I contend that it is perfectly clear as it stands, and that it is altogether unnecessary to alter it.

Mr. CHANCE: I am sorry that the right hon. and learned Gentleman should have exhibited such warmth in defending the absent draftsman. Considering the warmth which he has displayed, I think it may be rightly assumed that the employment of this individual has been a job to oblige one of the right hon. Gentleman's political *confrères*.

Mr. HOLMES: I certainly did feel it necessary to defend the draftsman, seeing that he has actually followed the precedents of other Statutes in drawing up the clause.

Mr. CHANCE: Who is he?

Mr. HOLMES: That has nothing to do with the matter.

Mr. CHANCE: What is his name?

Mr. HOLMES: He has been in the Irish Office for years—long before I came to the Office I now hold.

The CHAIRMAN: I must point out to the hon. Member for Kilkenny that he is introducing into the Question an element which is totally unnecessary.

Mr. CHANCE: Of course I bow to your ruling, Sir; but I retain my silent opinion upon the matter. The right hon. and learned Gentleman made an attack upon me, and I think I had a right to know what was the motive which actuated him in doing so. I never claimed to be a judge of the technicalities of the Statutes at large; but I have pointed out to the right hon. and learned Gentleman that if he would apply his mind to this section he would see that it is ungrammatical and nonsensical. I do not think any parallel can be found for it except in a Game Act which was passed by the Tory Party. One page in that Act contains 13 mistakes in grammar and English. The first line of this clause says—"Any person who shall commit any of the following offences," and then 1st sub-section goes on to describe the offenders—namely, "any person who shall take part in any criminal conspiracy," &c. According to this a person is an offence and not an offender. I can assure the right hon. and learned Gentleman that in raising the question I was only anxious to maintain the reputation of the Tory Bench, represented so brilliantly by the right hon. and learned Gentleman the Attorney General for Ireland, in matters of grammar. I only ask them to make this clause at least intelligible and decent grammar, and, in reply, the Attorney General for Ireland launches out into personalities and accusations that I not only know the whole of the Statutes, but wish to pose as an authority upon grammar. Now, I know nothing of the kind; but I do know what grammar is, and I ask the Chief Secretary for Ireland to say whether the words of this clause are either decent grammar or common sense?

Mr. T. M. HEALY (Longford, N.): I do not see why, when my hon. Friend points out that the language of the clause is indefensible, the right hon. and learned Gentleman should commence to jeer. I think it the statutable right, if the Irish people are to be sent to prison, that they should be committed to gaol with all the pomp of the English language grammatically expressed. Here we have a clause which will be intelligible only to the understanding of a Resident Magistrate. My contention is that it should be intelligible to the meanest intelligence. We are not informed who the person is who has drawn up the clause. Is it some superhuman individual who has no existence either in this House or anywhere else? The clause says—

> "Any person who shall commit any of the ollowing offences in a proclaimed district may be prosecuted before a Court of Summary Jurisdiction under this Act," &c.

And the first of the offences specified is, 'Any person who shall take part in any criminal conspiracy." Therefore, one of the offences is a person. Now, a person is no offence, and if he is to get six months imprisonment, let him get it by virtue of a provision grammatically expressed in an Act of Parliament. I presume that the First Lord of the Treasury has a proper knowledge of grammar, and I would respectfully ask him how he would construe this clause? I defy even his intelligence to put the clause into anything like decent form. The Irish people do not pretend to speak the English language with a cockney accent; but they have some idea of English grammar, and I hope the Government will give this Bill to them in a reasonable shape. I see that the Government is now reinforced by the presence of the Irish Solicitor General, who is well known in the Law Courts as a master of diction. I trust that he will get up and explain the language of the clause.

Mr. R. T. REID (Dumfries, &c.): There can be no doubt that the words of the clause are imperfect so far as their grammatical construction is concerned, and perhaps it may not be easy to remedy them. Probably the best course would be to omit in line 17 the words "any person who shall take part in any criminal conspiracy," &c., and then define the offences instead of the offenders.

Mr. CHANCE: That would get rid of one objection, but another still remains—namely, the words "who shall commit any of the following offences." I think it is ridiculous in an Act of Parliament to lay down a condition precedent to the trial of a person that that person shall commit an offence.

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): The hon. Gentleman has appealed to me on a question of legal style.

Mr. CHANCE: No; upon a question of grammar.

Mr. A. J. BALFOUR: There is no question upon which I am less competent to give an opinion than legal style. I must confess that I am not an admirer of the language of an Act of Parliament. It appears to me, however, that the clause comes up to the standard of legal English. It has the advantage of being perfectly intelligible at the first glance. The Bill has been carefully drawn up, and will have to pass the rigid scrutiny of both Houses of Parliament. I hope the time of the Committee is not to be wasted in discussing at length questions of improving the mere style of the clauses of the Bill.

Mr. CHANCE: English grammar.

Mr. A. J. BALFOUR: The Bill is quite good enough English and good enough grammar for an Act of Parliament. It is, at all events, what every Act of Parliament is not—namely, uncommonly good sense. I quite admit that every precaution should be taken in the Bill to make its meaning perfectly clear, so that on the face of the Bill itself, everybody may know what we intend to adopt, and what we shall adopt. But if hon. Gentlemen ask us to consider all these emendations in order to improve the legal style of the Bill, by what time do they think the deliberations of this Committee are likely to end?

Mr. CHANCE: Next year.

Mr. A. J. BALFOUR: I think the Committee ought to confine the discussion to questions of substance, and that we should not be called upon to waste our time in discussing questions of grammar and parsing. Are we to spend hour after hour in discussing Amendments merely to satisfy the fastidious tastes of hon. Members opposite? I am sorry that in discussing the clause the hon. Member for Kilkenny should have considered it necessary to attack a gentleman who is not a Member of this House. Even if the Bill was open to adverse criticism as to its drafting, which I believe is not the case, I would ask the hon. Gentleman to recollect the great amount of labour that has been thrown upon the draftsman of the Irish Office during the last few months, not only in regard to this Bill, but the Bill now before the House of Lords, and also other Bills. I think there should be ample excuse for errors even far greater than any that can be found within the four corners of this Bill. I feel that I should not be in Order in pursuing that matter at length; but I feel bound to stand up for this gentleman who was not appointed by the present Government, but who has long held this Office and has long carried out the important functions which he now discharges so well in the Irish Office, and to the satisfaction of successive Chief Secretaries.

MR. CHANCE: You ought to give his name.

MR. A. J. BALFOUR: It is no business of mine to give the name. The hon. Member will have no difficulty in finding it out if he desires, and if there is any hon. Gentleman who wishes to impugn the character of this gentleman, the proper time for doing so will be when the Vote for the payment of his salary comes before the House. I hope that hon. Gentlemen will understand the principles which the Government have laid down for themselves in this matter. They are ready to accept any Amendment which may be required to make the meaning of the Bill, if possible, more clear, but they are not ready, and they will not consent, as far as they can avoid it, to waste the time of the Committee in discussing Amendments which, at the best, are mere Amendments for the improvement of style.

MR. MAURICE HEALY (Cork): The point we take up in regard to the Bill is this. We say it is quite bad enough that the measure is to take away the liberties of the Irish people, but, at any rate, we are entitled to interfere when we find that it is making ducks and drakes with the Queen's English. We are not able to agree to the provisions of the Bill, but, at any rate, let us be able to parse it, and I respectfully submit that we are not in a position to do that now. The House has been engaged during the past fortnight in discussing points of law, and we have now arrived at a moment when it has become necessary to discuss points of grammar. I think the time has come when some strong steps should be taken. Will the Chief Secretary for Ireland get up and tell us what the word "person" in all the later sub-sections is, and what is the nominative?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I rise to Order. Is the hon. Member in Order in debating anything but the Amendment before the Committee?

THE CHAIRMAN: The observations of the hon. Member are connected with the Amendment; but I think the discussion has degenerated into a matter which is of infinitely little importance, and I hope the hon. Member will confine himself, as much as possible, to the point at issue.

MR. MAURICE HEALY: I think we are entitled to complain of the unreasonable view the Government take of the Amendments we submit to the Committee. I will not, however, pursue further the line of observations which you, Sir, have commented on; but I will say this, that when we point out a blot in any of these sections, whether it is a blot in respect of substance or of grammar, the Government, with pig-headed obstinacy, as if in some way their character was involved, refuse to listen to our complaints. I fail to see that we are in any way concerned with the character of the draftsman of this Bill. Let us take the section as it stands, and see whether it is good or bad, right or wrong, without regard to the character of the man who drew it up. On that ground I put it to the Government whether, in regard to their own character for knowledge of the English language, they do not think it will be compromised before the public if this section is passed into law in its present form?

MR. O'HEA (Donegal, W.): Her Majesty's Government are so much in the habit of swallowing camels that it is only natural for them to strain at a gnat. Anything more clumsy or more ungrammatical than this clause could not be included in any section of an Act of Parliament. The Attorney General for Ireland has defended the Government draftsman, and the Chief Secretary for Ireland has chimed in with the same line of argument. Of course, the draftsman may be good enough for Her Majesty's Government, and the construction of this particular section of an Act of Parliament may be good enough for the intellect and capacity of the Resident Magistrates in Ireland. But I think we have a perfect right to point out blunders and stupidity wherever we find them. Everyone must see, upon reading the section, that my hon. Friend the Member for Kilkenny was perfectly right in the observations he made.

MR. CHANCE: No doubt, this is a very small point, and I am sorry that the Government have taken up such an unreasonable attitude on the matter. I appealed to the Chief Secretary for Ire-

and as an authority on English grammar, but he declined to respond to the appeal. The Irish Members must act accordingly, and I shall press for a Division. The sooner, therefore, we take a Division the better.

Question put.

The Committee *divided*:—Ayes 101; Noes 81: Majority 20.—(Div. List, No. 151.)

MR. MAURICE HEALY: I beg to move in line 14, after "shall," to insert "after the passing of this Act." I hope that the Government will be prepared to accept that Amendment.

Amendment proposed, in page 2, line 14, after "shall," insert "after the passing of this Act."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

MR. A. J. BALFOUR: According to the principle I have just laid down, I do not think the Government ought to accept this Amendment, which certainly does not make the clause more clear. The meaning of the clause is perfectly plain, and nothing will be gained by accepting the Amendment. I, therefore, ask the Committee to reject it.

MR. MAURICE HEALY: I fail to gather from the right hon. Gentleman's remarks what his reason is for opposing the Amendment. Do I understand him to say, after what has occurred in reference to the Amendment moved by my hon. Friend just now, that the Government are so exceedingly nice in regard to the phraseology of this clause that they will not accept the words "after the passing of this Act," because there may be tautology? We were told a few minutes ago that the capacity of the Irish Resident Magistrates is such that it is necessary for the Government to put their clause into bad English in order to enable those gentlemen to understand it. But in regard to this Amendment the position of the Government is this—that these gentlemen—the Resident Magistrates—are so nice upon the question of grammar, that their feelings will be shocked if the clause contains a single superfluous word. I will only point out that the words "after the passing of this Act" are usually employed in Acts of Parliament. No doubt, the words "under this Act" appear in the clause; but it does not necessarily follow that the word "shall" involves the future tense. The Government intend, and we intend, that these clauses shall not be retrospective in their operation, but that they shall only apply to crimes committed after the passing of the Act; and, therefore, I do not see that the innocent Amendment I have proposed does more than put in clearer language that intention. Why not insert "after the passing of the Act" if they really mean after the passing of the Act?

MR. CHANCE: The first words of the 1st clause are—

> "Where a sworn information has been made that any offence to which this section applies has been committed in a proclaimed district."

The 2nd clause contains the words "in a proclaimed district." But the district cannot be proclaimed until after the Act has been passed, and, therefore, the section must apply to the future. The same point arose on the 1st clause, in reference to the power to enable the right hon. and learned Attorney General for Ireland to put the clause in force; and in that discussion we discovered, to our surprise and alarm, and certainly much to the surprise of the English language, that a proclaimed district meant a district not proclaimed, but which may be proclaimed. The Chief Secretary for Ireland tells us the meaning of the clause is perfectly clear; but we know that bad grammar often has some hidden and subtle meaning, and I hope the right hon. Gentleman will tell us how it is perfectly clear, and that it is not to deal with an offence committed before the drafting of the Act. If it is desired to prevent a prosecution for offences committed before the passing of the Act, then I insist that the Amendment is necessary. We do not now want the Government to be grammatical; we have given up that point; but we do want them to make the clause intelligible, and they can only do that by accepting the Amendment, and clearly showing what they mean.

MR. T. M. HEALY: Take the case of conspiracy. Are your inquiries to extend over several counties and over a long period of time? If not, how are you to control the Resident Magistrates, unless these words are inserted in the clause? Suppose that the Act passes on the 1st of August, and that an offence committed on the 2nd of August has to be proved by some publication in a newspaper which took place on the 1st of July. Are we to be told that the Resident Magistrate may allow evidence to be given of a publication in a newspaper before the passing of the Act? I maintain that, as the clause stands, he would be so allowed; and if that is the intention of the Government, why not make it perfectly plain? We know what took place in regard to the case of Mr. William O'Brien and Mr. John Dillon. In order to provide absolute proof of the connection of Mr. William O'Brien with *United Ireland* in 1887, a letter was produced which was written by Mr. William O'Brien in 1881, in order to show that he was still the editor of *United Ireland*, five or six years after having written the letter. That was the only *primâ facie* evidence before the Resident Magistrate to prove that Mr. William O'Brien was the editor of that paper now. Suppose the Government put the editor of *United Ireland* under this clause, and subject him to a preliminary inquiry, are we to have this letter of 1881 trotted out again as *primâ facie* evidence? Unless the words "after the passing of this Act" are inserted in this clause, the Resident Magistrate would undoubtedly admit this letter as proof, and would allow a case to go to the jury, being himself both jury and Judge at the same time. I put it to the Attorney General for Ireland whether, proof being tendered of something done before the passing of the Act, the Resident Magistrate would not admit that proof? I think the clause, as it stands, is most unreasonable, and I am of opinion that the attitude the Government are taking is unfair. If they really intend that the Act is only to date from the time it receives the Sign Manual of the Queen, it is not reasonable for them to refuse the Amendment.

Question put.

The Committee *divided*:—Ayes 100; Noes 123: Majority 23.—(Div. List, No. 152.)

MR. T. M. HEALY: I have now to move, in the first line of the clause, to leave out the word "commit," in order to substitute the words "be proved, on the complaint of any injured person, to have committed." The clause would then read—

> "Any person who shall be proved, on the complaint of any injured person, to have committed any of the following offences."

The object of the Amendment is to decide in whom the initiation of the prosecution shall rest. The Government will now be tested as to the reality of their desire to put down crime by the way in which they treat this Amendment. In Ireland, hitherto, no individual was ever prosecuted personally, and there has grown up a practice which Mr. George Waters, the County Court Judge for Waterford, has happily termed "intimidation in the air," when a crime is alleged to have been committed the police always prosecute. No person alleged to have been intimidated ever prosecutes. Mr. Waters had before him a case in which a man was alleged to have said—

> "I advise the Irish people to have nothing to do with evicted farms, and I say further that a person who takes an evicted farm is a person who is unworthy of social amenities."

This language was not directed against any individual; but the man who made use of it was prosecuted by the police on the ground that he had intimidated some person unknown. Now, I wish by this Amendment to get rid of the possibility of prosecuting any man for intimidating some person or persons unknown. In the case to which I have referred, Mr. George Waters decided that there is no such offence as what he called "intimidation in the air." I may add, that Mr. Waters came to that conclusion, after a Resident Magistrate had convicted the man and sentenced him to two or three months' imprisonment. Therefore, I think the Government ought to say at once whether "intimidation in the air" is their view in passing this Act, or whether it ought not to be necessary to produce the *corpus* of some individual who alleges that his mind or body has been injured by the acts or words of some other individual. I hope the Government will see their way to accept so reasonable a proposition. I think it is a monstrous thing that the police force in Ireland should have nothing to do except to spend their time in getting up these offences in the interests of the landlords, and that, in addition to that, they should be allowed to act as prosecutors, taking out both summons and warrant, without putting the injured person to any trouble whatever. I have no doubt that the Under Secretary for Ireland would say that the intimidation is so great that it is impossible to get anybody in Ireland to prosecute. But let me remind him that this Bill is to put an end to intimidation, and we are told by the First Lord of the Treasury that it will make Ireland happy, contented, and prosperous. The right hon. Gentleman says—"Once pass this Bill, and the intimidation, which is now going about like a foul spectre, will be laid," and, therefore, no person need be in the least degree afraid of intimidation, because law and order will be in such splendid working order that everyone will be able to go about, what has been called in euphemistic terms, his "lawful business"—that is, the business of the landlords, and resort to land-grabbing and other occupations of the same kind. I maintain that the person aggrieved ought to be the person who makes the complaint. In regard to the most serious crimes the individual is never the prosecutor, but you have the Crown Prosecutor, the Crown Solicitor, and everything emanating from the Crown. We are told that there is no necessity for individual initiation, but that we must rely on the State for everything. We are read a lesson every day upon that point by *The Times*. What we want is a little local option in the matter and not to have policemen "nosing" and scenting opportunities for prosecution. When once they get a quarry before them they hunt it down until it gets before the Resident Magistrate, who is himself an ex-policeman, or a disbanded soldier. If my Amendment is accepted it will remove a most irritating blister from the body politic in Ireland. In civil actions the Government do not interfere. If a Member of the Government made a bargain with me and did not observe that bargain I should not apply to the State for my remedy. Then why, in offences which concern *quasi* civil rights, am I not entitled to take the same course in a civil action? The Government will not be prepared to provide the money for payment of the expenses unless, perhaps, it is a civil action against *The Times*. A man goes along a road and he is grinned at or whistled at. In a famous case which occurred some time ago a man was accused of whistling at a landlord as he went along the road, in what the police called a "derisive manner," and he got six months for it. Now, I think, the landlord ought to have been left to his own remedy. It was not a criminal act, and ought only to have been the subject of a civil action for damages, although I very much doubt whether, under the circumstunces, any prosecutor would have obtained civil damages at all. In cases of this kind the aggrieved person should bring his own prosecution, and if such prosecutions were initiated by individuals they would come into Court without the pomp, circumstance, and panoply of a great State trial. Under the Act of 1882, there was in no instance a private prosecution, but in every instance the prosecution was the act of the State, and consequently the Resident Magistrate had a mental stimulous administered to him as Crown prosecutor. I venture to think that if individuals who conceive themselves to have been wronged were left to prosecute at their own expense, they would appraise the inquiries received at their real value, and very few cases would find their way into Court. Under these circumstances, I hope the Government will see their way to remove this course of itritation from the Bill, and allow every injured individual to take his own remedy as he would be required to do in a civil case.

Amendment proposed,

In page 2, line 14, leave out "commit," and insert "be proved on the complaint of any injured person, to have committed."—(*Mr. T. M. Healy.*)

Question proposed, "That the word 'commit' stand part of the Clause."

MR. HOLMES: The hon. and learned Member in moving the Amendment has referred to the analogy between civil actions and criminal prosecutions. Now, there is no analogy whatever between the two; and, I think, it is generally accepted by lawyers that there is an essential distinction as to the foundations on which a civil action reposes. A civil action is brought to vindicate the right of a particular individual, and not for the purpose of redressing a public wrong. But when a prisoner is prosecuted in a Criminal Court, whether a Superior Court, or a Court of Summary Jurisdiction, it is for the purpose of vindicating public justice. Accordingly, the law provides, and it is the law of England and Scotland, as well as Ireland, that criminal prosecutions may be brought forward in one of two ways. Even in England the Queen is always nominally the prosecutor, although an individual frequently sets the law in motion. In England there have been many instances in which an individual has taken upon himself the responsibility of dealing with a criminal prosecution; but in Ireland public prosecutions have been almost universal for a long time past, and I see no reason why the usual practice should be deviated from. A Royal Commission was appointed a good many years ago to inquire into the question, and in their Report the Commissioners spoke highly of the system which exists in Ireland and Scotland, and recommended that it should be extended to England. In Ireland the principle of setting the law in motion by the Public Prosecutor is the principle which underlies the Criminal Law. In the case of this clause there are a considerable number of offences mentioned in the second and subsequent sections, and it is not for the sake of the individual aggrieved, but for the sake of the public and public justice that there should be some one to put the law in motion. Prosecutions are instituted not for the redress primarily or solely of a wrong to an individual, but for the good of the public. It may not be safe or expedient for the individual to prosecute, and he may frequently prefer to acquiesce in the wrong. That would be an injury to the public, and, therefore, it is necessary to have some machinery for putting the law in motion. Accordingly we have framed the clause in this way, and, I may add, that it is in accordance with the provisions of the Summary Jurisdiction Act. The hon. and learned Member has spoken of some public official who used the phrase "intimidation in the air." I do not quite understand what the hon. and learned Member means by that.

Mr. T. M. HEALY: It was not my expression. It was a judicial expression.

Mr. HOLMES: It may be a judicial expression, but I do not understand it. What I do understand is, that in a case such as he has mentioned a prosecution ought not to be undertaken.

Mr. T. M. HEALY: Will the right hon. and learned Gentleman have any objection to make that decision binding?

Mr. HOLMES: As I have already stated, I know nothing whatever about the decision; but what I do say is that it has been decided in such a case as that referred to by the hon. and learned Member that a prosecution would not lie.

Mr. T. M. HEALY: Will the Government provide a record of decisions so that we may have a continuity of proceedings? The right hon. and learned Gentleman does not seem to treat the decision of one of the Government officials with any great respect. Here, in this section, you are inaugurating a machinery for the punishment of a large class of offences; and what I want to know is whether care will be taken that a decission given at one moment shall not be practically overriden by the decision of another Resident Magistrate in another case, because what I fear is that—"What in the captain is but a choleric word may in the soldier be rank blasphemy." The right hon. and learned Gentleman has not met one of my points at all—namely, that there should be some individual concerned in the prosecution who has been damnified. It is no answer for the right hon. and learned Gentleman to say that the State has been damnified. In this case, the Resident Magistrate is the State; he is appointed by the State; appointed at the pleasure of the State; and his salary may be raised or lowered at the will of the State. Therefore, the Resident Magistrate and the State are convertible terms, and it is not what the State thinks, but what the Resident Magistrate thinks. We are told that this is an Act passed for securing national liberty and for the prevention of crime. We are also told, in the language of the Primrose League, that it is an Act passed to put down crime, Boycotting, Moonlighting, and intimidation. There must be some intimidation, and there must be crime committed against some individual, and yet the Government meet my Amendment by saying that the initiation of a prosecution must rest with the police. There is another point which the right hon. and learned Gentleman has not touched at all—namely, that in any prosecution it is necessary to show that some person has been injured. My Amendment deals with both points, because under it it would not only be necessary to show that some person had been injured, but to leave the prosecution to that particular individual. The right hon. and learned Gentleman has told me that in such a case as that which I refer to a prosecution would not lie, and he says that he does not understand the words used by the learned Judge at Waterford as to "intimidation in the air." In that case the prosecution was initiated by the Crown Prosecutor. I think there was great force in what the right hon. and learned Gentleman said about the necessity of vindicating a certain class of offences by the State. But surely it is only reasonable to provide that when an offence has been committed it should have been committed upon somebody, and that the person on whom it has been committed should prosecute.

Mr. HOLMES: I have no desire to enter into the points which have been raised by the hon. and learned Member. My contention is that the clause is perfectly clear as it stands.

Mr. O'DOHERTY (Donegal, N.): There is a fallacy in the argument of the right hon. and learned Gentleman in reference to the system of public prosecutions in Ireland. The system recommended by the Commission to which the right hon. and learned Gentleman has referred, was the system of having both in the Superior and Infertor Courts some local person charged with the prosecution of offences. But that principle has been largely extended by successive Governments during the last 13 or 14 years, and a very considerable number of offences have been dealt with. Latterly a sessional solicitor attends and prosecutes at Petty Sessions; but it was never part of the recommendation of the Commission, and could not have been part of the immemorial usage of Ireland into which that Commission inquired, that the constabulary established by Sir Robert Peel should be part and parcel of the system to which the Commission referred. If this principle were adopted in England and Scotland, instead of a police force of 30,000 men it would be necessary to increase it to at least 85,000, in order that there should be the same proportion to the population as that which exists in regard to the population of Ireland. In my opinion, nothing has done so much to bring the law into contempt in Ireland as the necessity for keeping in action some 14,000 persons, who are always on the look out for something to justify their very existence. It is a serious blunder in the Bill, and a serious mistake for any Government to think that by putting upon the police duties which they ought not to discharge, and by putting them in the odious position of being prosecutors and litigants, any advantage is to derived. That was not part of the recommendation of the Commission to which the right hon. and learned Gentleman has referred. But what they did recommend, and what this Amendment in no way interferes with, was that the system of the representation of the Crown by some local person in a prosecution in its various stages should be instituted in this country, as is the case in Ireland and Scotland now. No Englishman would stand such a harassing system as that to which we have been subjected for years. What would the English people think if they were subjected for five years to some hundred-thousand police constables going through the country, and justifying their existence by constant prosecutions? My opinion is that there would be universal discontent just as there is in Ireland. I believe that is one of the reasons why the law has been made so very unpopular in Ireland. I come now to the more immediate point involved in the Amendment, from which I have diverted away to the reference made by the Attorney General for Ireland to the recommendations of the Royal Commission. How do the Government justify the interference of the police with the tenure of farms, and the forcible possession of houses? After making repeated local inquiries, I have come to the conclusion that a great mistake has been made. Attention has been called to a case tried before Chief Baron Pallas, in which, at Gweedore, certain houses had been left by the landlord without a caretaker. In that case the police imagined that the old circular issued under the Act of 1882 in reference to Crimes was still actually in force, and they occupied themselves in watching as bailiffs the houses from which the tenants had been evicted—houses which were not only never re-entered, but which had never been closed. It was the interpretation of that circular which substantially gave rise to the prosecution before the Lord Chief Baron. In that case the

Lord Chief Baron asked for the circular, and an objection was raised that it was a privileged document, that could not be gone into. I have only quoted this case in order to show that the interference of the police in regard to transactions under the Land Bill, and in reference to property, has been excessive, that they have pushed themselves unnecessarily into private matters, and that they make themselves the bailiffs' agents, and partizans of the landlords of the district. I entertain very strong feelings in the matter, and I think it is one which ought to be brought again and again under the notice of the Chief Secretary for Ireland, so that the Government may make up their mind before this Bill passes that the police shall not convert themselves into mere partizans upon either side in any locality. I think the provisions of this measure ought to be restricted to criminal offences, and not enter into disputes about the possession of property, and breaches of the law, or riots, or unlawful assembly, which are matters that can be made the subject of civil proceedings. As the law is at present administered in Ireland, and as the police are constituted, I know that they are constantly employed in connection with offences against property, in which scarcely any injury whatever has been committed. The right hon. and learned Gentleman is perfectly correct when he says that there may be cases of public policy which would require the interference of the Public Prosecutor; but there are heaps of cases which may arise under this Act in which the initiation should be left in the hands of the individual injured, who ought to be the person to make the complaint to the magistrates.

Mr. T. P. O'CONNOR (Liverpool, Scotland): This Amendment raises two questions, each of which is of great importance. We acknowledge that there are cases which may arise where the initiative may be left to the authorities; but, on the other hand, there are many cases where we think the initiative of the police would be most injurious to the public peace and tranquillity. That is the first point raised by the Amendment, and the second point, equally important, is this—whether, in order to bring this clause into operation, there should be an individual distinctly indicated. I think the Attorney General for Ireland is quite right in saying that if you have a state of intimidation in a district, you may have an unwillingness on the part of a person to come forward and take the initiative, and that the Government will be right in retaining the initiative of the police in all cases where it can be distinctly proved that an individual has sustained injury. I believe I am right in saying that my hon. and learned Friend who drew up the Amendment will have no objection to amend the Amendment, so as to cover that case. It is a case in which, I think, the police have a right to take the initiative; but they have no right to take the initiative in a class of cases referred to by my hon. and learned Friend—that is to say, where the injury is not physical injury, is not injury to person, or a distinct injury to property, but a case in which a civil action would be brought. It is only right, in my opinion, that the Committee should establish a clear distinction between the initiative in the two cases. The second point of the Amendment is even more important than the first; and the Attorney General for Ireland seemed to me rather to confirm than to weaken our case by the statements he made upon it. What did the right hon. and learned Gentleman do? He referred to the language of the clause by way of proving that there is no necessity for the Amendment. Now, I contend that the language of the clause carries out and confirms the contention of my hon. and learned Friend instead of disposing of it. The Attorney General for Ireland says that this Bill follows the same lines as the Crimes Act of 1882. Let me take the last point first. Our experience of the Crimes Act of 1882 is the very reason why we object to the phraseology of the present clause. None of us would raise any objection to the clause if it were directed against violence or intimidation, against a particular individual. What we object to is that the clause does not pre-suppose injury to an individual at all, but would enable a Resident Magistrate to exercise the powers of the Act against a class or classes. How did that operate under the Act of 1882? We raised the very same question when that Bill was before the House. Of course, our arguments were treated in the manner in which they usually are when a Bill like this is before the House, and our fears were regarded as entirely imaginary.

But what took place? Let me give an instance to show how the Act will work —one of the worst episodes of the *régime* of the Crimes Act of 1882. My hon. Friend who now represents the College Green Division of Dublin (Mr. T. D. Sullivan) went down to Westmeath. He made a speech, urging upon the farmers of Westmeath the duty of giving a fair day's wage for a fair day's labour to the labourers of Westmeath. No advice, as I think, could be more advisable or more necessary. What happened? My hon. Friend's language was not accompanied by intimidation of any kind whatever. It was simply exhortation and advice, but in no stronger language than was necessary by the state of the case. My hon. Friend was brought up before the magistrates—the very class of gentlemen who are to have the power of putting this clause into operation; and they held him to have been guilty of intimidation, not towards a particular individual, not towards a certain number of persons in the district who were specified, but to the farmers of Westmeath at large. Now, the farmers of Westmeath, I may say, are about as robust a class of men as any that exists in the whole of the country. Yet the proposition was gravely laid down and carried into force by the Resident Magistrate, and afterwards by the County Court Judge, that the speech of my hon. Friend came within the purview of a clause like this, because it was calculated to intimidate a class consisting of 10,000, 20,000, or 30,000 farmers of the county. Immediately after my hon. Friend was imprisoned on the accusation that he had attempted to intimidate the farmers of Westmeath, a vacancy arose in the Representation of Westmeath, and the very men he was accused of intimidating returned him on several nomination papers, and there was not the ghost of an opposition to his election. As a matter of fact, the class he was said to have intimidated made their intimidator their honoured Representative in this House; and not only did they do that, but they paid his election expenses, and subscribed a handsome testimonial to him. There you had a man charged with intimidating a class who sent him to Parliament, and, to his and their honour, generously and liberally rewarded him for his services to them.

Therefore, our fears are not imaginary; but I am dealing with a well-known precedent, in which my hon. Friend was subjected to gross outrages at the hands of political opponents, was condemned to the plank bed, to wear the prison garb, and to clean out his cell. Further than that, the governor of the gaol endeavoured to impose on him various things which were not included in the prison discipline, merely to degrade him; and at one time my hon. Friend was confined to his cell for two or three days without enjoying a moment of fresh air; and it was while he was being so treated that it was announced to him that those he was accused of intimidating had elected him as their Representative. The right hon. and learned Gentleman the Attorney General for Ireland knows all these facts as well, and possibly better, than I do; and yet he appeals to the precedent of the Act of 1882, not as a strong argument in favour of our proposition, but as an argument against it. Again, if we compare the words of the clause with those of any corresponding enactment for England, we shall find that in the latter case, as my hon. and learned Friend the Member for Dumfries (Mr. R. T. Reid) has pointed out, there must be alleged intimidation against some definite person, his wife or child, or injury to his property, whereas the whole purpose of the phraseology of this clause shows that it has been left studiously and intentionally vague, so as to include acts which, in the opinion of the Resident Magistrates, are calculated to intimidate a specified individual or individuals of a class consisting of many thousand persons. In the English law a crime must have been directed against a particular individual, and you must be able to bring up this particular individual, and to prove injury to his person or property. Let me turn from the limited scope of the phraseology of the English Act to the equally studied phraseology of the Irish Bill—namely, that—

> "(1) Any person who shall take part in any criminal conspiracy to compel or induce any person or persons, either not to fulfil his or their legal obligations, or not to let, hire, use, or occupy any land, or not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation; or to interfere with the administration of the law. Any person who shall wrongfully, and without

legal authority, use violence or intimidation (a) to or towards any person or persons, with a view to cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do; or (b) to or towards any person or persons, in consequence either of his or their having done any act which he or they had a legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing."

Let me take the plural number, with its intentional vagueness, as it appears in the Bill. In the first place, in the English Act, there must have been force and intimidation or violence used to a particular individual. But, here, all you have to do is to use words in the mildest form; and by the Definition Clause of the Bill it is declared that—

> "The expression 'intimidation' includes any words or acts intended and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of property, business, employment, or means of living."

So that the words used may not be intended to intimidate even a class, so long as, in the opinion, not of the class itself, but of the Resident Magistrate, they are calculated to intimidate that class. In every way I look at this clause it appears to be framed in the most objectionable manner. In the first place, the initiative is not to come from the person injured, but from the policeman and the State. In the second place, the injury is not defined as against a particular individual, but it may be against a class consisting of many thousands of persons. In the third place, even the class itself is not allowed the initiative, or, indeed, any opinion in the matter. The words which are used may not be words which the class against whom they are used regard as intimidation, but they are to be words which, in the opinion of another person—the Resident Magistrate—are calculated to intimidate. That is the way in which the clause is to be worked. In other words, the Resident Magistrate is to meet for and work for the people of the country. This Amendment, therefore, goes to the very heart and core of the Bill, and nothing shows more clearly than the speech of the Attorney General for Ireland the desperate and evil purposes to which the clause will be applied if it is to remain in its present shape. The Amendment, therefore, is one which we must press upon the Government to the utmost of our power.

Mr. DILLON (Mayo, E.): I think this is an exceedingly important Amendment, and I wish once more, at this late hour, to protest against the habit of quoting the provisions of the Bill of 1882 as a sufficient justification of the present measure. We find that some of the Amendments which we are now moving were moved on that Bill, and when we have fully justified them by the arguments we have used, are we to be told, when experience shows that gross and serious mistakes have been made in the Irish Administration, that it is sufficient to say that so-and-so was in a Bill so many years ago? Are we to be told, for instance, if we wish to admit Irish leaseholders to the benefit of the Land Act, that they cannot be admitted because they are not in the Act of 1881? I hope the Committee will see the absurdity of carrying on such a mode of argument as that, and that it will see that, except in the case of legislation of an unprecedented character, no one ever thinks of basing his case upon such a contention. We complain now, as we complained in 1882, that this clause is so worded that it may be used by the officials of the Executive in Ireland in cases where no real grievance exists, and in cases where individuals, although by the Executive they may be alleged to have been Boycotted or intimidated, would not desire the law to be put in force at all. I say that our experience shows most clearly that this is by no means an imaginary fear on our part; it has been done continually. We have in Ireland the most multitudinous police in the whole world; we have four times as many as are necessary for the maintenance of law and order, and not only are the police so numerous, but there is an elaborate system of promotion going on in the ranks of the police—namely, a system based on the practice of giving marks for good conduct, the result of which is that you have every police constable from the 1st of January to the 31st of December in a state of intense eagerness to discover some crime or other. The men who get the best record and the most marks are those who get up the most cases, and thus we have the policemen outstepping the ordinary functions of the police; instead of confining themselves to protecting the rights of property they are ferreting about from morning till night trying to discover something that will justify their existence and abnormal pay, and manufacturing something when they cannot discover any real case. I will mention one instance within my own knowledge to show how this is done. I am not quite certain whether the Solicitor General for Ireland will consider this a case of very great hardship, but I contend that it is so. In many districts in Ireland where public feeling is excited, as it always is by evictions on a large scale, where the police know that places of entertainment and shops will be greatly injured in their trade by supplying the police and agents of the emergency association, and where there is no difficulty of getting food or what is required in the town, they have gone round to demand of traders that they should supply them and the other persons I have referred to; and this has been done for the purpose of putting them between Scylla and Charybdis. Can anything be more cruel than that? The police know that all the legislation you pass cannot compel the shopkeepers in Ireland to deal with persons they do not want to deal with; and deliberately, in order to punish these men because they are Nationalists and have taken part in the Nationalist movement, they go round to the shopkeepers and say they must supply them and the bailiffs and emergency men whom they take round with them. In this way the shopkeepers are put in a dangerous position, for they will either have their licences opposed at the next Sessions or lose their trade. The Attorney General for Ireland pointed out that one sub-section of this clause makes it an offence to use intimidation towards any person. Of course, the act which I have described will be held to be intimidation towards emergency men and agents; the whole business will be manufactured from beginning to end, and made the means of most grievous and outrageous persecution against men who have committed no real crime. There can be no doubt that the clause will be used in that way; but this is only one instance out of a great number where it may be used by the police for prosecuting persons for their own ends. I find that in 1882 an Amendment exactly similar to the present was moved, and cases were quoted showing the gross persecution which could be carried on under the clause. It was shown clearly at that time that over and over again representations were made to the House, on the authority of Resident Magistrates and the police, of cases of intimidation in which the people alleged to be intimidated signed of their own free will statements that they had not been intimidated, and that there was no foundation for the charge. Of course we were met with the answer that these statements were wrung out of the persons who made them by fresh intimidation. I put it to hon. Members whether the business of any country can go on when its citizens are so weak in the legs that they want policemen to stand by and protect them? I ask where is the matter to end? Is this House to carry on the system for ever? Surely a justification of our present attitude is to be found in the fact that, although you would not listen to our arguments in 1882, now, after five years, we are told that the state of things is worse than ever. It is an evil principle from beginning to end. You have taught the people of Ireland, by proceedings of this kind, to be utterly and absolutely unreliant on themselves, and to rely entirely on the interference of the police. It is a curse which every Chief Secretary you have sent to Ireland, and every Lord Lieutenant has been continually complaining of, that these people are perpetually running like whipped children to Dublin Castle, and begging to be protected. They say that they are so afraid of the Nationalists that they want the Government to protect them without anyone knowing it or whispering a single word about the matter. I say that such a system is as destructive to the people on whose behalf it is invoked as it is to the rest of the population. If it were true that such an elaborate system of intimidation existed in Ireland as you represent, I say that no one would dare to invoke the tremendous machinery of the law which you have provided. I say that it would be the duty of the Government to declare that such a class of people as I have referred to do not deserve protection. You are acting very foolishly in not telling these people that they must show themselves to be something more than women or little cowardly schoolboys, and that if they have a Coercion Act passed on their behalf, at least they shall show that they have the courage to come forward and say that they have been injured.

Mr. CLANCY (Dublin Co., N.): I should like the Committee to understand what is my opinion of the working of this Act. As soon as the Act is passed, a printed form will be made out containing a list of the offences punishable under it; this form will be sent to the police barracks to be filled up week by week, and then a regular competition will commence among the police as to who shall put the greatest number of offences on the list. That is not a mere speculation or theory of my own, because, at the present moment, something very like this system is in existence in the City of Dublin and other parts of Ireland. On one side of the form is placed a list of the arrest cases, and on the other side a list of summons cases, and these forms are handed round the police barracks, and have, as I have said, to be filled up week after week. The result of this is that there is a struggle among the police to get the largest number of cases opposite their names, and those who do not show a favourable record, run a great risk of punishment by degradation. Within the last few months, a sergeant in the Dublin police has been put on half-pay for three months, the superintendent of his division having reported that he was an inefficient officer because he had not sent in a sufficient number of complaints against the publicans of Dublin and his fellow constables. Now, that is a very remarkable instance; but there is a case of another sergeant in the same division of the Dublin Metropolitan Police, who has been refused promotion on the same grounds—namely, that he had not made a sufficient number of complaints weekly and instituted a sufficient number of prosecutions. The result of this was that, as everyone knows, his juniors were promoted over his head. There are many of these frivolous prosecutions commenced by policemen. It was only the other day that a member of the Town Council of the City of Dublin was summoned before a Police Court, and fined for an offence which it was afterwards found he had never committed. Again, persons have been fined in Dublin for the alleged offence of hooting at the Lord Lieutenant, but, upon investigation, it was found that there was no truth in the charge, and the fines were remitted. What has happened in Dublin has happened all over the country, and will again happen all over the country when this Act is passed. The first step of some subordinate in Dublin Castle will be to make out a list of offences and circulate forms to the police in Ireland, intimating to the constables that they had better be active in working the Act, and the result will be wide spread injustice and false accusations against innocent men. I do not know whether the Government think that this will conduce to the peace of Ireland, and to the restoration of that social order which they have so much at heart; but my opinion is that it will have a directly opposite effect, and that in a short time you will have the whole of the country in a state of social chaos and disorder, compared with which the present state of things is peace and quietness.

Mr. FLYNN (Cork, N.): This Amendment is, I find, of such importance that I have no hesitation in saying that we must press it to the fullest extent on the attention of the Government. Many cases have occurred in Ireland, which enable us to understand the probable injustice that will be done to a large number of persons if the Amendment is not accepted. The Amendment recites that for a prosecution before a Court of Summary Jurisdiction, it is necessary that the offence should be proved on the complaint on the injured person. I know an instance in which a Town Councillor in Cork was brought up and charged with making a speech, in which he had uttered words of an intimidatory character, by which certain persons in the locality were deterred from doing what they had a legal right to do, and the opinion was obtained from the presiding County Court Judge that the Act of Parliament was such that no public speaker ought to speak from a platform without there was a lawyer at his elbow. The gentleman I refer to made use of language of a perfectly legitimate character; he said it was the bounden duty of the tenant farmers in that district to combine for protection against rack-renting; but he had no desire in his mind, nor would any fair reading of his speech lead anyone to believe that any person had been intimidated. This gentleman, however, got two months in gaol, and had to sleep on a plank bed. I say, therefore, that the Government ought to accept this Amendment, which is a most reasonable one, and is only intended to prevent the recurrence in future of mistakes that have happened in the past. The Government say that they have no desire that the Bill should be used against their political opponents, or the rights of free speech; but that it will be used against crime and criminals, although every step we have taken in these discussions shows that it is intended for nothing of the kind. The more we progress through the clauses of the Bill the more do we discover the real intentions of the Government, and the more clearly do we perceive the way in which the Act will be worked in Ireland. We do not intend to continue the discussion of the Amendment any longer, and we are willing to take the Division at the earliest possible moment; but we must certainly express our disappointment that this, and recent Amendments of this character, which guard against the abuse of the Act, without in any way diminishing its force as against crime and criminals, have not been accepted by the Government. We trust that the Government will deal more reasonably with the other Amendments which we shall have to propose, or we may be compelled to discuss them at even greater length than the present.

Question put.

The Committee *divided*:—Ayes 184; Noes 131: Majority 53.—(Div. List, No. 153.)

Mr. O'DOHERTY (Donegal, N.): The Amendment which I am about to propose has for its object to provide that the offences mentioned in the 3rd subsection and committed in any part of Ireland; that is to say, the offence to taking part in any riot or unlawful assembly, and the other offences named, may be tried summarily. I think the Amendment sets out in the plainest and briefest terms the object I have in view. This is an extension of the Crimes Act to all Ireland, and it exempts the Government from the necessity of proclaiming any part of the country in order to punish offences against public order, and, stated in those terms, I cannot see why the Government should have the slightest objection to my proposal. I recommend the Amendment to the right hon. Gentleman the Chief Secretary for Ireland on the ground that it will save him from the necessity of proclaiming the district, because he will be able to send to the Resident Magistrates at Belfast at once, and they will then try summarily those cases of public disorder which so frequently disgrace that part of Ireland. Coming from the North of Ireland, where I have lived all my days, and representing the district in which I was born, I would appeal to the Committee to consider for a moment the position of the majority of the people of Ulster, who are said to possess all the franchises and rights of British subjects. By the process of historical events in Ulster, all the large farms are in the hands of Protestants, the old race being in the occupation of farms of small size and value only. It is well known that when riots occur in the district the trials which afterwards take place are of such a character that, after 15 years' experience as a lawyer, I am able to say that it is only in cases where it would be perfectly scandalous, if it were not done, that justice is obtained. It is idle to talk about justice not being done, and the disagreement of juries in the West of Ireland, because whatever has been done there in that respect has been initiated by Orange juries in Ulster. What I want the Government to do is to state that when this particular offence of holding unlawful assemblies and rioting occurs, that the offenders may be tried in a summary way, without the stigma of proclamation being put on the district. I know that some hon. Members think that the Amendment will have a prejudicial effect on meetings held in the South of Ireland; but to this I answer that the distinction between a proclaimed district and an unproclaimed one is the difference between tweedledee and tweedledum.

Amendment proposed,

In page 2, line 14, after "commit," insert "an offence mentioned in sub-section (3) of this Clause anywhere in Ireland, or shall."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): The Amendment which the hon. Member has moved, and still more that which he put on the Paper, is no doubt a large extension of the Bill as originally drafted, and we ourselves would have been unwilling to depart from the wording of the Bill as laid down. But we are willing to admit that there are some reasons on the side of the Amendment, and with certain qualifications, we shall be prepared to accept it. The hon. Member in moving the Amendment has somewhat altered its scope, but I think that in so doing he has not improved it. As it originally stood, it referred to all classes of offences analogous in their kind to that mentioned under sub-section (a). By the Act of 1885, passed to amend the Prevention of Crimes Act, 1871, it was made an offence in England to obstruct a constable or peace officer in the execution of his duty; and, under these circumstances, I should prefer, if the hon. Gentleman has no objection, that he should move his Amendment in its original form, and the Government, with the qualification I have alluded to, will be willing to accept it.

Mr. T. P. O'CONNOR (Liverpool, Scotland): We cannot at all accept the proposal of the right hon. Gentleman, inasmuch as the form in which my hon. Friend placed his Amendment on the Paper was entirely owing to a clerical mistake. If the right hon. Gentleman will accept the Amendment in the form in which my hon. Friend proposed it, the matter is settled; but certainly we shall oppose any extension of it beyond the limits which he proposes, and if the right hon. Gentleman does not feel in a position to accept it as proposed, I would strongly advise my hon. Friend to proceed with it.

Mr. JOHN MORLEY (Newcastle-on-Tyne): I think it is clear that there has been a misapprehension on the part of the hon. Member, and I trust the right hon. Gentleman will alter his position with regard to the Amendment.

Mr. A. J. BALFOUR: We do not, of course, wish to take advantage of a misunderstanding on the part of the hon. Member; and I will not press the view which I first laid before the Committee. We are willing to accept the Amendment as moved by the hon. Member.

Question put, and *agreed to.*

Mr. MAURICE HEALY (Cork): In the absence of my hon. Friend the Member for Kilkenny (Mr. Chance), I rise to move that the *fiat* of the Attorney General for Ireland upon sworn information shall be obtained before any prosecution is instituted under this section. I do not think that the Government will allege that if the *fiat* of the Attorney General for Ireland is necessary in the case of the offences under the 1st clause it is not equally necessary under the 2nd clause. It would be a monstrous thing if this Bill were to be put in operation by any irresponsible person in Ireland; and, therefore, in order to prevent any improper use of this sub-section by the Legal Authorities, I think it should be incumbent on them to do what they will have to do under the 1st section—namely, obtain the *fiat* of the Attorney General for Ireland before proceedings are instituted.

Amendment proposed,

In page 2, line 15, after "may" insert "the *fiat* of the Attorney General for Ireland upon sworn information being first obtained."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University: The effect of this Amendment would be to require the *fiat* of the Attorney General for Ireland for a number of proceedings which could be otherwise instituted by the individuals themselves, and entail an excessive and unnecessary amount of work upon him. This proposal would have the effect of introducing an anomaly into the clause which is a thing that from the first we have endeavoured to avoid. The Amendment is, therefore, objectionable on every ground, and the Government are unable to agree to it.

Mr. CHANCE (Kilkenny, S.): I cannot follow the argument of the right hon. and learned Gentleman that the cases under the clause are cases usually dealt with summarily; because this is a new and extraordinary jurisdiction, the application of which depends on the proclamation of the Lord Lieutenant. I admit that it would be undesirable to prevent any private prosecutor from exercising his right of bringing his case forward. I would, therefore, ask whether the Government will accept the Amendment in an amended form so as to limit its operation to prosecutions instituted by constables and Crown officials? We desire to prevent constables and others hatching up bogus cases by providing that the Attorney General for Ireland shall satisfy himself that there are grounds for the institution of proceedings under this clause.

Mr. HOLMES: It would not be possible for the Attorney General to exercise direct control over all the prosecutions which may take place; but I point out that we should be responsible to Parliament for those undertaken by the Crown officials. The Government are unable to accept the Amendment of the hon. Member; but he would, of course, be within his right in taking the sense of the Committee upon it.

Mr. CHANCE: I understand that the Attorney General for Ireland claims to exercise a negative control in these cases, on the ground that it would be impossible for anyone to exercise a direct control over them. The right hon. and learned Gentleman admits that it is his duty to exercise control, and what we propose is to make that control effective. I hope the Government will allow us to take a Division, not upon this Amendment, which I admit is informal, but upon the Amendment in the altered form which we think desirable.

Amendment proposed to the said proposed Amendment, to leave out the words "sworn information." — (*Mr. Chance.*)

Question proposed, "That those words stand part of the proposed Amendment," put, and *negatived.*

Further Amendment proposed to the said proposed Amendment, to add at the end, "in all prosecutions initiated by constables or Crown officials."—(*Mr. Chance.*)

Question, "That those words be there added," *put*, and *agreed to.*

Question proposed,

"That the words 'the *fiat* of the Attorney General for Ireland being first obtained in all prosecutions initiated by constables or Crown officials' be there inserted."

Colonel NOLAN (Galway, N.): The objection to the argument of the Attorney General for Ireland is, that he is applying to this question the principles of ordinary law, as if the ordinary law applied to the whole of Great Britain. He said that the *fiat* of the Attorney General for Ireland could not be obtained, because it is the function of every individual to be at liberty to prosecute, but our argument is that the House of Commons has entrusted to the Government abnormal powers which would not be entrusted to a Government anywhere else. We say, if you have this power given to you, do not let any private individual put the machinery of the Act in motion. The Government have asked for these powers; they have said we cannot govern Ireland without them. For my own part, I do not think those powers should be given, but we are giving them, and we contend that they ought not to be exercised by ignorant and prejudiced persons in Ireland; and there are many ill-tempered persons there who will be only too ready to make use of the Act for vindictive and revengeful purposes. Thus much with regard to the general principle of the Amendment; but we have now to consider it as amended. The hon. Member for Kilkenny asks that, in cases where the Crown officials prosecute in Ireland, the Attorney General for Ireland shall take the direct responsibility for the proceedings. Certainly, if what the Attorney General for Ireland has stated be true, this Act is much more dangerous than we anticipated. The right hon. and learned Gentleman now declares that the Act will be put in force so often that no one individual will be able to be responsible for all the prosecutions which will take place under it. That is a statement which we must read by the light of common-sense; we must recollect that he has the assistance of a very able lawyer, whose only misfortune is that he sits for no Irish constituency. But I am perfectly aware that, if the Government will give fees to Irish barristers, they can always command a large amount of legal talent in Ireland. There is, in fact, no difficulty in the way of the Law Officers obtaining any amount of legal assistance in that country. Now, if this Act is to be put in force to such an extent that the Attorney General for Ireland cannot be responsible, and that the Solicitor General cannot be responsible for the prosecutions which are to take place; if they are not in a position to control the working of this Act, then I ask the Committee to consider whether it is safe to allow every constable in the country to assume a responsibility which the Law Officers of the Crown shrink from. This is an abnormal Act which is against the liberty of the subject; but if the Government are to have it, at least let them be responsible for its administration. I am aware that the Attorney General for Ireland is not a responsible Minister in the highest sense of the word, and that he is not directly responsible for his own acts in connection with this Bill; but he is, at any rate, a far more responsible person than an ordinary constable would be, and if we had this Amendment inserted in the Bill we should be able to attack the Government and get any particular case investigated much better than if we had to go against an ordinary constable. That is one view of the case. It is a Party view no doubt; but it is in accordance with the practice of making the highest officials responsible. I will take a case in my own district. We occasionally have there a constable who wants to come into collision with the National League—I will not mention his name—but you are going to give that man an enormously increased power, which will enable him to institute prosecution after prosecution, and to be placed in a position to cause a great and unnecessary amount of annoyance to decent people. Of course, the Attorney General for Ireland can step in and quash his action at any moment he pleases; but it is one thing for the Attorney General for Ireland to make himself responsible for a prosecution in the first instance; and it is altogether a different thing for him to step in afterwards and put an end to a prosecution that has been begun. I believe that if you were to introduce this Amendment you will reduce greatly the number of prosecutions which would otherwise take place, and not only that, but you will reduce the amount of irritation which exists in Ireland. For my part, I cannot see why the Amendment should not be accepted. We, however, who are advocating it, are in an unfortunate position, because, at the present moment, there is no one on the Treasury Bench but the Law Officers, and, therefore, I think this point should be referred to again a little later when the First Lord of the Treasury (Mr. W. H. Smith) and other Members of the Cabinet are here, for it is an Amendment of such importance that it should be considered fully by the responsible Members of the Government before it is rejected. The only reason given against the Amendment by the Attorney General for Ireland is that by rejecting the Amendment he will be saved a great deal of trouble. I think at least we should continue to debate this matter until some Member of the Government comes in to overrule the opinion of the Attorney General for Ireland. With regard to the contention of the Attorney General for Ireland that it would be impossible for him to deal with all the prosecutions that will take place under the Act, I venture to say that it would be a positive benefit to the country if we were to raise the remuneration of the Law Officers of the Crown to meet the increased amount of work that would result from the Attorney General for Ireland having to issue his *fiat* before any prosecution is instituted; because, by the means we have suggested, the country would be spared the cost of many useless prosecutions.

Mr. MAURICE HEALY (Cork): There have always been two classes of criminal prosecutions; first, that of indictable offences, which are tried before a jury; and, secondly, those offences which are summarily disposed of by the local magistrates. In the first case, the public have always had the protection, that, before any prosecution is instituted or carried on by the Crown, the *fiat* of the Attorney General for Ireland should be obtained. In the case of all indictable offences, which are tried at Quarter Sessions or at the Assizes, before the Crown prosecutes informations are submitted to the Attorney General for Ireland, and he endorses them either for prosecution or no prosecution. In the second class of cases, which are tried summarily, the public have no such protection. Then comes in this Act which makes indictable a number of offences which were not so before; and the Government say that they ought not to be tried by jury, but transferred to the jurisdiction of the Resident Magistrates. Well and good; if that be so, the question we ask you is this—having transferred the jurisdiction in these cases to the Resident Magistrates, why should you not preserve to the public the protection which they have always had? We say that if you allow these cases to be dealt with summarily, you should, at any rate, provide that those who institute the prosecutions should, first and foremost, get the *fiat* of the Attorney General for Ireland. I cannot imagine anything more reasonable than that, and I am amazed at the ground on which it has been refused. The Attorney General for Ireland has admitted our case. He has admitted that in the case of indictable offences for which there are prosecutions the public hitherto have had the protection which I have pointed out—namely, the protection that, before the resources of the Crown are placed in the hands of any private individual to institute a prosecution, the *fiat* of the Attorney General for Ireland has always been necessary, that the informations in the case are submitted to him, and that it is for him to say whether the Crown should institute prosecutions. Is there any reason, especially when you hand over these enormous and important classes of cases to the jurisdiction of Resident Magistrates, why that protection should not be preserved to the public? I respectfully submit that there is no reason. What does the Attorney General for Ireland say? He says that if you do this you will deprive private individuals of all right of initiative. My hon. Friend (Mr. Chance) has met that argument by offering to alter his Amendment so that it shall not apply to the cases of private individuals. But, at any rate, apply it to the cases in which prosecutions are set in motion, not by private individuals, but by police constables and other local officials, who, although they may act with the best motives, are more or less officious, and have the strongest inducements to be officious. I do not think anything more reasonable than that which is asked in this Amendment could be proposed. Surely the Government ought to do something to prevent the misuse of the powers conferred by this section. I have already drawn attention to the fact that there are classes of cases of a non-agrarian and non-political character, in which it would be monstrous to set these powers in motion. Granted that the powers of this section are necessary in the case of agrarian or political conspiracies; but these are conspiracies of a totally different character. I know that in the city which I represent, charges of conspiracy have frequently been made in connection with the Cork butter trade. Would it not be monstrous if a prosecution of this kind were instituted in a matter of no conceivable political or agrarian tinge? In cases of that kind, it would be in the power of the local Resident Magistrate or police constable to take away the trial of any case from the constitutional tribunal, from the petty jury in which jurisdiction has always hitherto been vested, and hand it over to the Resident Magistrates, though not the smallest reason of a valid character could be urged. We do ask that we shall not be absolutely at the mercy of the local tyrants to whom the Government will hand over the administration of this Act; we do ask that we shall have some protection against the action of constables or officious local Resident Magistrates. Let us have some authority in whom we can place some reliance. Goodness knows, the Attorney General for Ireland is not the official exactly whom we would ourselves choose if we had absolute discretion in this matter, and could set up our own authority; but, at any rate, he is the best we can propose in a matter of this kind, and it is a monstrous thing, when we propose that the authority to set the powers contained in this great section in motion should be the Irish Attorney General, the Government should say—"Oh! the Irish Attorney General has too much to do; his great mind is so much occupied by questions of State, he cannot condescend to these petty transactions. He has too much to do to bother himself with the question whether or not a prosecution shall be instituted under this section." That, I say, is a monstrous attitude to take up. We are all aware that there has been a controversy latterly about the salary of the Irish Attorney General, and we know the Irish Executive has been in great conflict with the English Treasury on the subject. I understand they have stopped the right hon. and learned Gentleman's fees in cases of a non-contentious character; the Attorney General for Ireland, therefore, would not be paid for anything of this kind; but it is impossible to suppose he would be affected by such a sordid consideration as that. I regret the attitude the Government have taken up upon this clause—that they should attempt to run the clause through Committee without any Amendment at all, is a most unreasonable position to take up; and if it is persisted in, I am fully persuaded it will not tend to facilitate the passing of the Bill.

MR. MOLLOY (King's Co., Birr): The Irish Attorney General, in the course of his remarks, stated that there was no necessity for this Amendment, because, in the case of any of these prosecutions, he would always have the power to interfere and put an end to the prosecution if he thought that the prosecution was an unfair one. Now, that assumes on the part of the Attorney General for Ireland that he will have to look into the details of all prosecutions under this Bill; and, if that assumption be a correct one, surely it would be less trouble, and it would be a saving of time, if he were to intervene previous to the institution of the prosecution, instead of in the course of the prosecution. Now, Sir, the argument of my hon. Friend the Member for Cork (Mr. Maurice Healy) seems an exceedingly strong one—namely, that the *fiat* of the Attorney General for Ireland has been necessary in these cases up to the present time, and that by this clause you are depriving the public of the protection which they have hitherto had. The main object of this Amendment is not so much that the Attorney General for Ireland shall grant his *fiat* for all these prosecutions, but in regard to those initiated by the police. The initiation of prosecutions by the police of Ireland has always been a danger to good Government in Ireland. You put a prize before the police in order to induce them to accumulate prosecutions on their own initiative; it is in proportion to their activity in getting up prosecutions that they look to reward. I can give an example which will show both sides of the question. A policeman in my own district admitted, in the course of a conversation with me, that an inducement was held out to him to support these prosecutions. He told me that if he were not active in the course of his duties he would not get the promotion that others who were active in the initiation of prosecutions would get. There are a number of policemen in Ireland who take a different view—who have, more or less, sympathy with the people. One of them actually apologized to me for having to carry out work which was put before him. He felt that the work that he had to do was unfair and unjust work; yet that, if he did not work in an active spirit, as the authorities called it, he would be deprived of the position he held. Now, this inducement to the police to initiate prosecutions is, as I have said, one of the dangers of the present time, and it would be a still greater danger under the operation of this Bill. If the Attorney General for Ireland is to interfere with prosecutions during their progress, what difficulty can there be in his looking into a case before a prosecution is started?

DR. KENNY (Cork, S.): I am sure that if the right hon. and learned Gentleman the Attorney General for Ireland had considered this Amendment in all its bearings, he would not have put his foot down in so determined a manner against the Amendment. What is the meaning of this Amendment? It is to step in, as a buffer, between the people of Ireland and that which is admittedly the curse of all administration whatever—namely, the meddlesome official. If the Attorney General for Ireland could only be brought to believe that this Amendment would keep him out of a great deal of hot water in the House of Commons, he would accept it. There is no doubt in the world that the spirit which actuates subordinate officials in Ireland is to make themselves as obnoxious to their neighbours as possible. Every time an official interferes under this clause, and makes himself obnoxious, the right hon. and learned Gentleman will hear of it in this House. He himself admits his responsibility for all the prosecutions, and yet he rejects an Amendment which, if accepted, would prevent him considerable annoyance. Now, the Attorney General for Ireland says it would be impossible for him to exercise such control as this Amendment asks him to, and yet in the same breath he leads the Committee to believe that he is going to exercise an effective control over every prosecution as soon as it is initiated. Why not step in in the beginning and stop the mischief before it has commenced at all. Surely prevention is better than cure. I should like to know on what argument he is going to rely. Is it that he has not time to attend to this matter, or is it that he is going to attend to it? Local officials will be sure to interpret this Act as being an Act placed in their hands to be worked with as much officiousness as possible. Most frivolous excuses they will give for bringing charges against people; and, therefore, we want the Attorney General for Ireland to say that these officials shall not on their own motion enter into prosecutions, unless he, or some of his legal assistants, shall have first inquired into the facts and given his *fiat*. If subordinate officials, like police constables, are allowed to initiate prosecutions under this clause, you will have the very thing which this Act is designed to stop—namely, disorder and crime. Wherever you have popular irritation you will have popular retaliation in some form or other. My hon. Friend the Member for South Kilkenny (Mr. Chance) has very properly withdrawn that portion of the Amendment which would seem to prevent private individuals initiating prosecutions. He does not quarrel with the right of private individuals in this direction; all he wants to do is to take away the right of initiating prosecutions from subordinate officials. I think that the Attorney General for Ireland must upon reflection admit the justice of our case.

Mr. W. REDMOND (Fermanagh, N.): I hope the Government will agree to this Amendment, because it is simply to prevent the Irish people being placed at the mercy, not of the Castle Authorities, but of the police of the country. The provisions of this Act will be harsh enough if it is to be enforced by the proclamation of the Lord Lieutenant, by the right hon. and learned Gentleman the Attorney General for Ireland, and by other high officials in Dublin Castle; but harsh as these provisions will be, the action of the local constabulary under this measure will be at least ten times as objectionable, because what does it mean if this Amendment is rejected? It simply means that the power is handed over to the constabulary in the different districts proclaimed to take proceedings against people for having committed offences named in the Bill. I cannot conceive why the Attorney General for Ireland refuses to look into these cases before proceedings are taken, and I can only judge his refusal to mean that it is the intention of Her Majesty's Government to encourage the police in Ireland to commence all sorts of obnoxious proceedings without any reason whatever. It is a very well known fact that under previous Coercion Acts the constabulary have instituted proceedings against the public, and have been the means of getting people imprisoned who had done nothing at all. I remember very well that, under the Coercion Act of 1881, police constables, in a part of Ireland I know very well, went about openly boasting that they would have, sooner or later, certain men put in prison against whom they had some ill-feeling or spite. A number of men were imprisoned under the Coercion Act of 1881, who were imprisoned simply on the initiation of a police constable in the district who had some ill-feeling against them. So, I say, unless some check, such as is provided by the Amendment now under discussion, be put upon the police in the different localities of Ireland, you will have instituted all sorts of prosecutions against people simply out of pure personal ill-feeling or spite. We know very well that the police are not at all a popular body of men in Ireland. To some extent the police have been Boycotted. The police have been in the habit of attending evictions and carrying out other dirty work, and, therefore, the people regard them with feelings of dislike. The police in return cherish towards the people, to a great extent, feelings of spite and of temper; and, therefore, I say that when they get this power in their hands we shall find them paying off what they consider to be old scores. Now, Sir, I am perfectly certain that the effect of the Amendment of my hon. Friend (Mr. Chance) would be to lessen, to a very great extent, the prosecutions which will take place in Ireland in proclaimed districts under this Act. Surely, Sir, whatever the intentions of the Government may be, it cannot be their deliberate intention to have these prosecutions multiplied all over the country. They cannot desire to see the police institute prosecutions without proper reasons and without proper motives, and yet the refusal of the Attorney General for Ireland to give an undertaking that he himself will inquire into prosecutions before they are commenced would lead one to suppose that that is their wish. I cannot conceive a more reasonable request to make to the Government than that where they are determined to proceed by summary jurisdiction against people, they will not take proceedings until the Attorney General for Ireland, or, if not the Attorney General for Ireland, until some other high authority in Ireland, shall have satisfied himself that the proceedings are just, and that the person ought to be proceeded against. I consider this is a most important Amendment, and I do think that it is a very bad sign indeed that no Member of the Cabinet thinks it worth his while to attend in his place to listen to the arguments which we bring forward upon matters such as these. The right hon. and learned Gentleman the Attorney General for Ireland has in a sort of way replied to this Amendment; but he has not given any good or sufficient reason for his refusal to inquire into these cases before they are proceeded with by the local police. We know very well, and even the Attorney General for Ireland himself must admit, that in very many cases the police are very ignorant men, and in a great many other cases are men filled with prejudice and bigotry. All we ask, therefore, is that the people should be protected against wanton proceedings by the police under this section, and I ask Liberal Members above the Gangway, is it an unreasonable thing for Irish Members to ask that if, under this section, summary jurisdiction is to be put in force, it shall not be put in force upon the sole authority of local constables, but that the right hon. and learned Gentleman the Attorney General for Ireland, or some such authority, shall satisfy himself as to the justice of the proceedings before they are initiated? I think we have a right to get, if not from the Attorney General for Ireland, from the First Lord of the Treasury (Mr. W. H. Smith), or some other Member of the Cabinet, an answer to this demand we are making. I ask the First Lord of the Treasury what possible objection the Government can have to such an Amendment as this, which does not interfere with the just working of the Bill, which cannot at all interfere with the intentions of the Government under the Bill, but which will simply provide that the people shall be protected against wanton proceedings, that the people shall have the satisfaction of knowing that before proceedings are taken under this clause the right hon. and learned Gentleman the Attorney General for Ireland has inquired into the matter, and that they are not being proceeded against simply and solely upon the authority of the local constable. I can assure the Committee that if there is ground for the feeling in Ireland that this Coercion Bill is to be administered, not merely by the high authorities of Dublin Castle, but by the prejudiced and bigoted policemen of the country, the difficulty of the task which you profess to have before you—namely, to make the country peaceable, will be rendered all the greater. I ask the First Lord of the Treasury to say what objection the Government have to give the undertaking that before proceedings are taken under this clause the Attorney General for Ireland, or some high official of the law in Ireland, shall satisfy himself that the proceedings are just, and so protect the people from the wanton action of the police.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I believe my right hon. and learned Friend the Attorney General for Ireland gave a full answer to this Amendment, and it therefore becomes my duty, Mr. Chairman, to claim to move "That the Question be now put."

Question, "That the Question be now put," put accordingly, and *agreed to.*

Question put accordingly, "That those words be there inserted."

The Committee *divided:*—Ayes 145; Noes 219: Majority 74.—(Div. List, No. 154.)

THE CHAIRMAN: I consider that the decision just come to by the Committee practically disposes of the next Amendment. The same remark applies to Amendments No. 7 and No. 8.

MR. T. P. O'CONNOR (Liverpool, Scotland): Will you allow me to say, Mr. Courtney, that I did not intend to move No. 7; but I may raise the question embodied in the Amendment when Clause 3 is disposed of.

THE CHAIRMAN: In respect to Amendment No. 8, it appears to be open to the remark that nothing is provided to finish the sentence. I do not see that there is any supplementary Amendment; therefore I can hardly conceive that this can be accepted as a reasonable proposition.

MR. ANDERSON (Elgin and Nairn): Did I understand you, Mr. Courtney, to rule out of Order Amendments No. 10 and 11?

THE CHAIRMAN: Yes; I think they are open to the same remark as the Amendments immediately preceding them.

MR. ANDERSON: I beg to move, page 2, lines 15 and 16, to leave out "a Court of Summary Jurisdiction under this Act," and insert—

> "A Special Commission Court consisting of three Judges of the Supreme Court of Judicature in Ireland (other than the Lord Chancellor) appointed by the Lord Lieutenant to try offences under this Act in any proclaimed district."

This Amendment is to omit from Clause 2 the tribunal which the Government propose to decide upon the very important questions which are to be submitted to it under this Bill. It will be observed that Clause 2 says—"may be prosecuted before a Court of Summary Jurisdiction under this Act." Now, that Court of Summary Jurisdiction is defined by Sub-section 6 of Clause 11, which states that—

> "The Court of Summary Jurisdiction shall within the police district of Dublin metropolis, be a Divisional Justice of that district, and elsewhere by two Resident Magistrates in Petty Sessions, one of whom should be a person of the sufficiency of whose legal knowledge the Lord Lieutenant shall be satisfied, and the expression 'Resident Magistrate' means a magistrate appointed in pursuance of the Act of the Session of the Sixth and Seventh year of the reign of King William the Fourth, chap. thirteen, intituled 'An Act to consolidate the laws relating to the Constabulary Force in Ireland.'"

Well, bearing in mind the very important offences—which it is not necessary for me to refer to—that are dealt with in this 2nd clause, offences of great importance, involving, as they do, the power of this Court of Summary Jurisdiction to inflict punishment of six months' hard labour, I think it might be expected that we should have, under this Bill, a Court of similiar importance to Courts in other parts of the United Kingdom which deal with cases of a similar kind. It will be understood that there are Courts in England to deal summarily with offences; but it is known to the Committee that the Sheriffs of England are men of trained experience. They are practically trained lawyers, and many of them are perfectly qualified, from their education and experience—and I want to impress upon the Committee their practical knowledge in dealing with matters of this kind—to deal, not only with these summary cases, but with much more important legal matters. In England you have nothing of the kind which is suggested in this clause of the Bill. Well, everybody knows that where you give powers of this kind you have a Court far superior to anything of the kind suggested in this Bill. I wish to call the attention of the Committee to a Return which has been presented to the House of the Irish Resident Magistrates who are to dispose of these cases. I would give the Committee one or two instances of the kind of Court that will have to deal with these important subjects, as appears by this Return. I take the first case. I suppose a Court composed of Mr. S. F. Carew, a magistrate of Tipperary, receiving £675 a-year, whose qualification is that he has served——

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I rise, Sir, to a point of Order. I understand, Sir, that the hon. and learned Gentleman is not disputing the Court, or discussing the question whether the Court to try the offences under this measure should or should not be a Court of Summary Jurisdiction. What he is discussing is whether the Court shall consist of two Resident Magistrates or of three Judges of the Supreme Court of Judicature in Ireland. Well, Sir, it seems to me that it would be more in Order to discuss that question when we come to the 6th subsection of Clause 11.

THE CHAIRMAN: No doubt, the constitution of the clause can be discussed under Sub-section B of Clause 11, which deals with the constitution of the Court of Summary Jurisdiction; but it seems to me perfectly competent for the hon. and learned Member to move to amend this clause, which says that persons guilty of certain offences, which are specified, may be prosecuted before a Court of Summary Jurisdiction. Under this Act, it seems open to him to move to substitute that Court he suggests for the Court of Summary Jurisdiction provided for in the section.

MR. ANDERSON: I understand from your ruling, Sir, that I am entitled to proceed. I do not know how I can put before the Committee the object of my Amendment unless I show that the Court of Summary Jurisdiction provided under this section is incompetent to try these cases. If the right hon. Gentleman opposite will bear with me for a few moments, I will be very brief. For the purpose of illustrating my case, I will take a Court composed of two persons in this Return as an instance of what may happen. Here you have Mr. S. F. Carew, who, as I say, is in receipt of a salary of £675 a-year, and whose previous avocation is stated to be this—"has served in the 8th Hussars, and afterwards in the Militia." Well, I assume he will be put as presiding Judge or senior Judge of these two, the other being Mr. Buckle, whose previous avocation was "resident country gentleman and honorary secretary of the Tipperary Agricultural Society." Now, do let the Committee for one moment, in all seriousness, consider the character of a Court composed of these two gentlemen, which will have to dispose of these serious offences. Why, even with regard to cases which are subject to summary conviction in this country, where the powers are much less than are given here, nothing so absurd as that which you now propose takes place, because upon the ordinary English bench of magistrates, though, no doubt, you have gentlemen who belong to agricultural societies, you have, at the same time, to keep them right with regard to law and criminal practice, a magistrate's clerk. But in the Court you propose you have nothing of the kind. You have a retired officer of Hussars assisted in his judgment upon these important matters by a gentleman whose sole experience, or whose principal experience, has been in connection with some agricultural society. Let me take another case for the purpose of illustration. Lower down in the list we have the name of the Hon. W. F. Forbes, and he appears to have served in the Grenadier Guards, and to have been in the Commission of the Peace for eight years. He, of course, is a person of some small training; but I cannot think that his best coadjutor on the bench will be Mr. Preston, who appears to have been an Army tutor in receipt of £425 a-year. You have a retired officer of the Grenadier Guards and an Army tutor forming a Court which is to deal with these matters. So much for the qualification of these persons mentioned in this Return, who I maintain are wholly unfit to discharge the duty, in spite of the clause that I understand the Government are willing to put in the Bill, declaring that one of the magistrates taking part in these proceedings is to have a certain legal qualification. But there is this still more important matter which, to my mind, goes to the whole root of the question—namely, that these magistrates are to deal with what are practically political offences. There is no doubt of that. Questions connected with Boycotting and connected with the agrarian agitation will come within their jurisdiction, and those questions are of a political nature. It will be observed by the Committee that all those magistrates hold their office during pleasure; and it must be borne in mind that one of the most dangerous engines which a Government has for dealing with political offences are magistrates or Judges who hold office during pleasure, because these magistrates and Judges, of course, know perfectly well that it is to their interest to deal with political offences in the direction and in the way that the Crown desires, because, if they do not, the Crown may at once dismiss them. The Members of the Committee may probably know that this very question led to one of the greatest Constitutional struggles that ever took place in this country—namely, that upon the question of the appointment of the Judges. As the Committee knows, the Judges under the Act of Settlement were appointed and retained in office in the manner I have referred to, and the result was that the Crown did not hesitate to use the Judges of the Superior Courts as instruments for political oppression. I will read two or three lines from *Hallam* on this subject. ["Oh, oh!"] Hon. Members opposite, I am sure, have not read *Hallam* for many years, and one passage of his, a very short one, will, I am sure, do them a deal of good—

> "It has been the practice of the Stuarts, especially in the last years of their dynasty, to dismiss Judges, without seeking any other pretence, who showed any disposition to thwart the Government in political prosecutions. The general behaviour of the Bench had covered it with infamy. Though the real security for an honest Court of Justice should be found in its responsibility to Parliament and to public opinion, it is evident that their tenure of office must, in the first place, have ceased to be precarious, and their integrity be rescued from the severe trial of forfeiting the emoluments upon which they existed."

That is the exact position of these

magistrates. I desire to point out that it is most dangerous for this Committee to adopt the proceedings which were followed in the reign of William III. in appointing officers at pleasure to undertake these duties. So much for that. Now I wish to say a word as to what I wish to propose to introduce into this Bill. I do not know whether the Government look with any sort of favour upon my Amendment. I cannot help hoping that, inasmuch as they have all cited the Act of 1882, they will look with favour upon this Amendment, because it was the very provision inserted in that Act for the purpose of providing for the trial of offences created by that measure. The tribunal which I propose is a tribunal of three Judges of the Supreme Court in Ireland, who are not ex-Lord Chancellors. Well, we shall have some excuse for the Government—I hope not, but I fear we shall—to the effect that that would be too important a tribunal to try the cases; but I do say this, that when you are dealing with offences of this character, involving, as they do, political questions, one of our first acts ought to be to select a tribunal which, if possible, should possess the confidence of the country. I do not say that there are often to be found tribunals such as I suggest. Perhaps the tribunal is too large, and that two Judges will do. Perhaps some might like to have an English Judge. By all means, if you like to have an English Judge upon the tribunal, have one. I do not think any expense ought to be spared by the Government for the purpose of giving these people who are to be prosecuted for what they do in proclaimed districts a tribunal in which they have confidence. That is my first contention. Now, three Judges—or perhaps two, for two would do, and I should be glad to hear what the Government have to say upon that point—will be able to bring to bear upon the matters submitted to them extensive experience and great legal knowledge, and from the nature of their positions and their independence, will be able to decide the cases submitted to them without fear or favour. We may depend upon their being thoroughly impartial—at any rate, if we cannot depend upon getting such a body as I propose in Ireland, we can send over English Judges or Scotch Judges for the purpose. You have lately had an instance of an English Judge going to Ireland and doing admirable justice. I cannot help thinking that that is a precedent that should be followed, and I venture to suggest that my proposal is one that deserves the very serious consideration of the Committee. I bring it forward, not as an idle Amendment, but as a serious one, which goes to the root of the clause; and I ask Her Majesty's Government to give it serious consideration. I trust they will accept it. I beg to move the Amendment standing in my name.

Amendment proposed,

In page 2, lines 15 and 16, leave out, "a Court of Summary Jurisdiction under this Act," and insert "a Special Commission Court, consisting of three Judges of the Supreme Court of Judicature in Ireland (other than the Lord Chancellor) appointed by the Lord Lieutenant, to try offences under this Act in any proclaimed district."—(*Mr. Anderson.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I confess that one sentence in the hon. and learned Gentleman's speech surprised me very much. There were many things which surprised me in his speech, but that which surprised me most was his telling us that he brought forward his Amendment seriously. I can hardly believe, in spite of his assurance, that that was the case. His speech consisted entirely of two parts, in one of which he criticized the suggestion of the Government, and in the other of which he proposed his alternative suggestion. Now, with regard to his alternative suggestion, it is sufficient to say that to construct a special tribunal of three Judges, even if they were Irish Judges, to go about from place to place trying these cases would not only be extremely cumbersome and costly, but would absolutely prevent that rapidity of action which is one of the chief points we hope to gain by introducing the provision for summary jurisdiction. So much for the actual substantive suggestion of the hon. and learned Gentleman. I will now devote a few words to the consideration of his criticism upon our proposal. He has to-night attacked, not for the first time in these debates, the Resident Magistrates to whom are to be entrusted the summary jurisdiction under this Bill, and his chief reason appears to be—now the well-worn one—that many of these Resident Magistrates have been soldiers. Now, I have already told the Committee, and I again repeat, that though we are anxious, and have shown our anxiety in the Bill, to take precautions that one of the two Resident Magistrates who have got to decide these summary cases shall be a person of competent legal knowledge, we are not prepared to admit that the best class from which to choose the greater number of these magistrates is that of lawyers. We are not of opinion that you get the pick of the legal profession at the salary which Parliament allows a Resident Magistrate; but we do believe that you will get most competent and efficient men to fill these posts from other classes at the salaries you are prepared to pay, and in that contention we are supported by experience. The hon. and learned Gentleman has brought out stores of ancient learning as to the English judicature——

Mr. ANDERSON: No, no.

Mr. A. J. BALFOUR: The hon. and learned Gentleman read out some common-places from *Hallam*; but the hon. and learned Gentleman, if he had appealed more to experience and less to maxim, would have found that Ireland owes a great deal to the Resident Magistrates. They have for many years administered, impartially and effectually, summary jurisdiction, and whoever has been responsible for the government of Ireland will acknowledge that these gentlemen are well worthy of the confidence of this House.

An hon. Member: Worthy of the confidence of the landlords.

Mr. A. J. BALFOUR: Now, the hon. and learned Gentleman has suggested that, as these magistrates are removable at pleasure, therefore they will be willing slaves of the Executive in dealing with these offences.

Mr. ANDERSON: No; may be.

Mr. A. J. BALFOUR: Now, there are two answers to that argument, and the first is, that political offences are not punishable under this Bill; and the second is, that no example can be produced where even a suspicion, or even the first breath of a suspicion, has existed in the mind of any competent or impartial Judge that the Executive of this country has ever for one moment dared to interfere with the action of one single Resident Magistrate acting in his judicial capacity. ["Oh, oh!"] Well, I challenge the right hon. Gentleman opposite (Mr. John Morley), who was himself connected with the Irish Government, to get up in this House and contradict that statement. He did not serve under Lord Spencer; but he will probably join with other Leaders in this House, not the least with Gentlemen who now sit below the Gangway, in saying that Lord Spencer's management of Ireland during his Viceroyalty was, not only a courageous management, but an impartial one. Well, by far the majority of those whom Lord Spencer appointed to be Resident Magistrates were not lawyers, but belonged to the class upon which so much contempt has been poured by the hon. and learned Gentleman. I think that Lord Spencer would join with me in regard to the character I have given of the Resident Magistrates; and the right hon. Gentleman opposite will also, I believe, join with me in saying that, whatever other charges may be brought against these gentlemen, it cannot be said of them that they have ever shown themselves slaves to the Executive Government when they have been called upon to exercise the duties of Judges. We, taking advantage of experience, and following the example of previous Governments, have entrusted the duty of judges to the Resident Magistrates, and we feel confident that we can do so safely. Under the circumstances, it is impossible for us to accept either the Amendment of the hon. and learned Gentleman or any other Amendment of a similar character, which would have the effect of displacing the Resident Magistrates from the position I have pointed out.

Mr. CHANCE (Kilkenny, S.): By the very words of the Statute these Resident Magistrates are under the orders and the control of the right hon. Gentleman who has just resumed his seat. But the right hon. Gentleman has challenged us to give any example where the Executive has interfered with the conduct of Resident Magistrates in their judicial duties. Well, I can give him such an example. I can give an example of a Resident Magistrate who was dismissed from his appointment for declining, first, to discover evidence against prisoners, and then to send them to trial. I can supply the right hon. Gentleman with the name of the gentleman I refer to on his undertaking that he will not use the information against that person.

Mr. DILLON (Mayo, E.): I must confess I was perfectly astounded to hear the right hon. Gentleman opposite make the statement he did as to the Resident Magistrates not being under the control of the Executive. Can it be possible that the right hon. Gentleman has so soon forgotten the letter published in the newspapers by that very experienced Resident Magistrate, Mr. Clifford Lloyd, who gave a most graphic description of the work at the Castle, and spoke of the telegrams which poured in from magistrates, asking for instructions as to what they were to do? It will be said that in the most of these cases the applications were to know what they were to do in their administrative capacity as servants of the Executive; but there is no doubt in the world that a great deal of the instructions issued to them had regard to what they were to do in their judicial capacity. The difficulty in the matter is that it is preposterous and absurd to say that you can get men to separate in their own minds when they are acting, on the same day, in a judicial and in an executive capacity, the influence which the Government has a right to exercise upon them in the one case, and the independence they are to exercise in the other. The right hon. Gentleman the Chief Secretary for Ireland threw out a challenge to us to mention individual instances in which the Executive had interfered with the action of a magistrate. If I had had notice of the challenge I could have given dozens and dozens of such instances; but on the spur of the moment I will recall a few instances which recur to my mind without taking the trouble to refresh my recollection. There is the case of Father Fahy. The magistrate sitting in a judicial capacity, or the Crown Solicitor acting for the Crown in that case, stated either that instructions had come, or instructions were expected to come, from the Castle ordering the magistrate to refuse to put the defendant under rule of bail. What did that amount to? Why, that instructions had come, or were coming, from the Castle ordering the magistrate to commit this gentleman to prison, which he accordingly did, Father Fahy being committed to prison for three months. There is another instance which I will give in order to show the confusion which arises in the minds of magistrates—a very natural confusion—between their duty as police officers of the Executive Government and their duty as Judges. A case occurred in which I was partly interested a short time ago in the County of Cavan. It was a case in which two or three men were brought before Captain McTiernan, of Enniskillen, by no means a bad specimen of his class, a reasonable and fair minded man, the sort of magistrate of which we have unfortunately too few in Ireland. Well, the men were sentenced to a month's imprisonment. They appealed to the County Court Judge at Cavan, and when the appeal came up for hearing Captain McTiernan sat on the Bench beside the Judge, Mr. George Walters—a thing which it is customary for such gentlemen to do when they have occasion to attend the County Court. I have the account of this from some one who was sitting in the Court when it occurred, and saw the whole thing. Captain McTiernan was sitting on the Bench beside the Judge; some one said it was not right or decent that he should take his seat on the Bench to hear an appeal from his own judgment, and Captain McTiernan at once said that he thought that remonstrance very fair, and left the Bench. But what did he do? He went down and sat beside the Crown Prosecutor, and prompted him in the case against the prisoners. Well, I put it to the Committee whether that is the kind of man—and I have pointed out that he is an admirable specimen of his class, and one of the fairest minded Resident Magistrates we have—I put it to the Committee whether he is a gentleman to which cases under this clause should be brought, and whether he is a gentleman who is likely to discriminate very fairly between the influence the Government exercise upon him in his administrative capacity, and that they seek to bring to bear upon him in his judicial capacity. In view of all the people in Court whose confidence in the law it was so desirable to maintain, this gentleman quitted the Bench, and went down and sat by the Crown Prosecutor, and gave him suggestions and promptings in the conduct of a case which was an appeal against his own decision. There cannot be the slightest doubt that magistrates do seek for guidance and advice from the Executive as to their action as magistrates sitting in Court, and that they are led by that guidance and act slavishly upon it. They are guided by the Executive as to the severity of their sentences, and as to their general behaviour as magistrates. I endorse the statement of the right hon. Gentleman the Chief Secretary for Ireland, that many of the best magistrates in Ireland are not lawyers. I have one man in my mind at the present moment, a man promoted by Lord Spencer to the head of the Metropolitan Police in Ireland. He was in the district of East Mayo when I was there, and a more excellent magistrate, and one in whose knowledge and justice one could more thoroughly rely, does not exist in the United Kingdom. I would not hesitate to trust him, but this gentleman is a rare exception amongst the Irish magistrates, and what I would suggest is this. Of course, there are considerable objections which naturally occur to the sending of Judges of the High Court round the country as Courts of Summary Jurisdiction; but what objection could there be to sending round for this purpose the County Court Judges of Ireland? Why not make these Courts Courts where two County Court Judges could sit? I ask hon. Members is that not a fair offer of compromise? These Irish County Court Judges are gentlemen who are largely paid for their services. They are gentlemen whose time is by no means fully occupied—that is notorious in Ireland. There are, therefore, a number of them at nearly all times of the year with leisure. They are acquainted with the localities. They enjoy, to a much greater extent, the confidence of the people in their impartiality than do the magistrates, and they are not under the direct control of the Castle. They bear much more than the magistrates the character of Judges, and, as I have said, they are in the habit of visiting the localities and they know the local circumstances. I ask, therefore, what reasonable objection can be taken to constituting the Court of County Court Judges in place of the proposed Court of Resident Magistrates? Such a Court would command more respect, and would certainly have a better knowledge of the law than the one proposed. I think that, under all the circumstances, if this detestable clause is to be passed, the best Court we could get in Ireland, taking everything into consideration, would be a Court of two County Court Judges to be nominated by the Lord Lieutenant according to the circumstances of the time. Surely that is not an unreasonable request. The powers asked for under this section are of a most extraordinary and extreme character, and it is not an unreasonable request to ask that the men who are to administer the great powers given by this section should be men who, in the minds of the people, are divorced from police duties, and will have some of the characteristics of Judges of the land, and who will not be men liable to be removed, or liable to be promoted, or liable to have promotion refused them, according as they serve the purposes of the Executive. They will not be men, the very best of whom think it right and proper to go down from the Bench when an appeal from their decision is being heard, sit beside the prosecuting counsel, and prompt him in the management of the prosecution. They will not be men whose minds will be confused between the ideas of their duty as executive officers and judicial functionaries, as occurred in the case I have mentioned. These Resident Magistrates are not the class of men who ought to have the powers which will be conferred by this clause, especially when we have men in Ireland ready to our hand—a class of Judges who, at least, know the law and cannot be removed at the will and pleasure of the Lord Lieutenant.

MR. JOHN MORLEY (Newcastle-on-Tyne): The right hon. Gentleman opposite (Mr. A. J. Balfour) has called me to witness, not, I think, with any particular relevancy, because he himself admitted that I was not responsible for the Government of Ireland under Lord Spencer. The short time I was at the Irish Office there was no summary jurisdiction of this kind in operation. My experience in the matter must, therefore, be thoroughly valueless. So far as my opinion goes as to the expediency of entrusting this summary jurisdiction to Resident Magistrates, the right hon. Gentleman could not have done me the honour to listen to what I have said on two occasions on previous stages of this Bill, because I then referred to the very passage from Mr. Clifford Lloyd's letters which my hon. Friend the Member for East Mayo has drawn attention to. Mr. Clifford Lloyd pointed out that during the administration of the Crimes Act of 1882, there was constant communication between Dublin Castle and the Resident Magistrates, not only upon their executive and police duties, but, to use Mr. Clifford Lloyd's own expression, on matters "relating to the maintenance and execution of the law." I cannot doubt for a moment that the right hon. Gentleman the Chief Secretary for Ireland and the right hon. and learned Gentleman the Attorney General for Ireland will not dream of putting direct pressure upon the Resident Magistrates in the execution of their judicial work. I ventured, in some remarks that I made earlier, to say that I would not so readily trust the right hon. and gallant Gentleman the Assistant Secretary (Colonel King-Harman). With his strong prejudices, and his strong views about Irish administration, he would be very likely to misapprehend the limits of his position; but that is not the point. The point is not whether a direct pressure will be put upon the Resident Magistrates by the right hon. Gentleman. What we submitted and urged was that there would be inevitably present in the minds of the Resident Magistrates the complexion which their actions would wear in the minds of their official superiors, who have in their hands their promotion, their removal, and their whole material prospects. On those grounds, therefore, I agree with much, not with every word, but with the spirit of what has been said as to the impropriety of entrusting these powers to the Resident Magistrates. I do not know that the right hon. Gentleman was very judicious in enlarging upon that particular aspect of the case. On the particular point now before the Committee, I regret that I cannot agree with my hon. and learned Friend who moved the Amendment. It seems to me that this Amendment is an utterly impracticable one. I cannot see how you are to have three Judges moving up and down Ireland dealing with every case that every constable may think fit for this summary jurisdiction to be exercised upon. I think it would not work, and the remark made by the hon. Member for East Mayo showed that he equally with his Friends sees the objections which are to be made to this proposal. The hon. Member for East Mayo suggests, as I understand him, that there should be two County Court Judges to whom you should entrust the exercise of this summary jurisdiction. But this is not the place for discussing that proposal, because there is upon the Paper an Amendment in the name of the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler), to the effect that these cases shall be heard before two Resident Magistrates, a County Court Judge, and a Chairman of Quarter Sessions. You will find that Amendment on page 27 of the Paper of Amendments. The suggestion of the hon. Member for East Mayo can, therefore, be very well discussed when we come to Clause 11. In the meantime, I only wish to say that I, for one, should not be able to support the Amendment of my hon. and learned Friend (Mr. Anderson), and I am sure he would not be ill-advised if he were to withdraw it.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I rise for the purpose of suggesting to my hon. and learned Friend that he should be satisfied with the discussion which has taken place upon his Amendment. It is an Amendment for which we should be willing to vote; but we see the objections pointed out by the right hon. Gentleman who has just spoken, and I would, therefore, suggest to my hon. and learned Friend that the question mentioned by him would be more fitly raised on the Amendment to which the right hon. Gentleman has just alluded. I would suggest that he should withdraw his Amendment just now, and raise it at perhaps a more practical and opportune moment.

Mr. ANDERSON: I certainly desire, after what has fallen from hon. Members on this side of the House, to withdraw this Amendment. In withdrawing it, I would express a hope that, before the question comes on again for discussion, Her Majesty's Government will have carefully considered whether it would not be possible for them to give way upon the point upon which the right hon. Gentleman the Chief Secretary for Ireland said at the outset the Government would not be prepared to accept "any" Amendment. In requesting leave to withdraw my proposal, I would urge the Government, in the meantime, to consider the question seriously.

Amendment, by leave, *withdrawn.*

MR. SHAW LEFEVRE (Bradford, Central): I now rise for the purpose of moving the rejection of Sub-section 1 of Clause 2 in the following terms:—

> "Any person who shall take part in any criminal conspiracy to compel or induce any person or persons either not to fulfil his or their legal obligations, or not to let, hire, use, or occupy any land, or not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation; or to interfere with the administration of the law."

The discussion this evening has been, to some extent, anticipated by the discussion that took place last night on the Amendment of the right hon. Gentleman the Member for Derby (Sir William Harcourt). At the same time, I think there are many considerations which it was impossible then to bring before the Committee, and I will, therefore, venture to raise the question somewhat more broadly, at the same time avoiding going over the ground my right hon. Friend has so fully and ably explored—namely, the whole question of the Law of Conspiracy. In the statement I shall make on this sub-section, I fully accept the statement made by the English Attorney General—namely, that the section as now drawn is not intended to create any new crime. What it does is this—it proposes to withdraw a large class of the most important cases from the superior tribunals of Ireland—namely, the Judges of the land—and to submit them to the lowest tribunals in Ireland—namely, the Resident Magistrates—a tribunal which, I venture to say, is wholly incompetent, whether from legal knowledge or otherwise, to deal with these important subjects. At present, as the hon. Member for East Mayo said last night, the jury stands between the tenants of Ireland and the Law of Conspiracy which it is proposed to deal with under this section. That is really their protection from the Law of Conspiracy as laid down in the section, and as it would be administered by the tribunal to which it is proposed to refer these questions. Now, it is absolutely certain that if this section passes in its present form, it will be impossible for the tenants to combine together to resist unfair rents. That, I take it, will be absolutely certain under the clause as it now stands, and that object is undoubtedly the object of the section, for we have been told by Lord Salisbury in "another place" that the object of the Bill is to prevent combinations of tenants, and this is the section of the Bill in which it is proposed to effect that purpose. I have no doubt, for my part, that this is the most important section of the whole Bill; and I have no doubt that if the landlords of Ireland should obtain this section, they would willingly abandon almost all the other sections. As a matter of fact, the section is for enabling the collection of rents by a new process—namely, by the enforcement of the Criminal Law—by a process indicated in the section—before the inferior tribunals of Ireland. I would venture, in the first place, to point out that this is an entirely new provision. It has not been included in any other Coercion Act that I know of since the beginning of the century. I have searched through 86 Acts, and I do not find a single one of them that contains a clause at all analogous to the one now under consideration. It cannot be said that the circumstances are different, and that, therefore, a new kind of remedy is required, for it has been very usual, in past years, whenever periods of great agricultural distress and depression have occurred, or whenever there has been great want arising from bad harvests, or whenever the prices of agricultural produce have fallen, it has been very usual for combinations of tenants to take place with the view of obtaining reductions of rent. And the same combinations have taken place in respect of other legal obligations, such as tithes. I find that in the year 1832-3 there was a general combination against the payment of tithes and of rent, yet in one of the most severe Acts ever passed through this House, the House inserted an Amendment to the effect that no district should be proclaimed under that Act by reason of tenants refusing to pay tithes, showing how unwilling the House of Commons was at that time to allow a Coercion Act to be used for the purpose of enforcing contracts and civil obligations. I find that in 1846-7—when, as all hon. Members must be aware, there was very great distress throughout Ireland, and when there were almost universal combinations amongst tenants for the purpose of obtaining reductions of rent, the Coercion Act introduced by Sir Robert Peel—and which was the cause of his fall—contained no clause of this nature for endeavouring to enforce the payment of rent by coercive measures. And the Act of the following year, passed by the Government that succeeded Sir Robert Peel, likewise contained no provision of this kind. But, perhaps, the most interesting instance is that of the Coercion Act of 1881, because hon. Members will perfectly recollect that there were then combinations against rent very similar to those which have occurred recently; and there had been a prosecution instituted against Mr. Parnell and five other Members of Parliament under a Conspiracy Law similar to that it is sought to enforce in the section before the Committee. The jury had refused to find a verdict in that case, and, therefore, the whole question was fully under the cognizance of Parliament at that time. But yet the Act of 1881 contained no provision at all analogous to that we are called on to pass—no provision for the purpose of enforcing the payment of rent. Therefore, I say that all precedent is against a clause of this character. For my part, I think it an extremely dangerous precedent that we should endeavour to enforce the payment of legal obligations or the collection of rent by a penal process such as is now proposed under this sub-section. As to the law as it applies to this section, I will venture to say only a few words. I do not propose to delay the Committee at any length by going once more into the question of the introduction of the word "criminal." For my part, with such legal knowledge as I am able to bring to bear on the subject, I do not think that the introduction of the word at all affects the question. It does not modify the meaning of the word "conspiracy." But I would venture to ask the Attorney General for Ireland whether he can produce any case of conspiracy now punishable by law which will be excluded if this clause passes with the introduction of the word "criminal?" If he can do that, I will give up the case. But if he cannot produce any such case, he must agree that the word is surplusage. The right hon. Gentleman the Chief Secretary for Ireland endeavoured to draw a distinction between conspiracy as applied to contracts of labour, and conspiracy as applied to contracts for the payment of rent; and, if we look solely to the English Law on the subject, I think there is a great deal to be said for that distinction, for I find it laid down by very high authority—by no less an authority than Mr. Wright, who was quoted by the hon. and learned Gentleman the Attorney General last night, who is, perhaps, the highest authority in the country on the subject of conspiracy, and who now occupies the position of the Attorney General's devil; and, therefore, I presume, is consulted. [*Cries of* "Order, order!"] I believed the post is a very well recognized one, and a very important one, and that it generally leads to promotion to the Bench at an early date. I think that the fact that this Gentleman holds that high position is some sanction for the statement that he is an authority on these matters. His book is well recognized as being the highest authority on the subject of conspiracy. I find that in that book on conspiracy, Mr. Wright drew a very great distinction between cases of conspiracy under the labour laws in respect to contracts for labour, and combinations, and other kinds, and especially of tenants in respect of rent. After summing up all the authorities on the subject, Mr. Wright says that on the whole he strongly favours the view that combinations to injure a private person, otherwise than by fraud are not, as a rule, criminal, unless criminal means are used; and, he goes on to say, that in none of the cases are there decisions to be found antagonistic to this proposition. Throughout the whole of this part of his book he practically lays down the conclusion that although before the Act of 1875 combinations of workmen to break contracts of hiring were criminal, and under the Criminal Law; yet that other combinations such as those which the Committee are now considering are not criminal, and are not conspiracies. That, according to the best opinions I have been able to ascertain, is the state of the case with regard to English Law. But I am bound to say that the Irish Law is very different on the subject; and I must say I am surprised that the Chief Secretary for Ireland should have coached up on English Law without reference at all to Irish authorities on the subject. I am surprised that the Irish Attorney General did not answer the appeal made to him last night, and say whether he agreed with the right hon. Gentleman the Secretary of State for Ireland, and with the proposition laid down, that combinations of tenants to break contracts for rent, as held by the Law Courts in Ireland, are not conspiracies within the Criminal Law. Now, the whole matter was gone into at very great length in the very well-known case of the Queen against Parnell, to which I have already adverted, and the decision of Judge Fitzgerald, now Lord Fitzgerald, goes far beyond anything that has been held in the English Courts in recent times. It lays down this proposition, which goes to the very fullest extent of the proposition laid down by the Judges in respect of combinations of labour in the cases I have already referred to. The ruling of the Judge, or rather the charge of Judge Fitzgerald, goes the fullest length in saying that any combinations of tenants for the purpose of breaking their contracts and endeavouring to obtain a reduction of rent, are conspiracies according to the law in Ireland; and, therefore, are indictable and punishable as such. The clause under consideration appears to me to have been framed almost identically upon the words used by Judge Fitzgerald in the case I have referred to. In that ruling Mr. Justice Fitzgerald said—

> "If the tenant withholds his rent that is a violation of the right of the landlord to receive it, but it would not be a criminal act in the tenant though it would be a violation of a right; but if two or more persons incite him to do that act, then their agreement is by law an offence."

That appears to me to frankly admit the whole of the proposition I have been contending for—namely, that under the Irish law, if not under the English law—and, I admit, that in theory there is no distinction between the law of the two countries—practically a combination of tenants to obtain a reduction of rent from their landlord, and, in the meantime, not to pay rent is a conspiracy and indictable as such. And, accordingly, by this clause all these cases would be dealt with under the section now proposed, and the tenants would be liable to be summoned before the Resident Magistrates and sentenced to imprisonment for six months with hard labour. Now, I would venture to put this case to the right hon. and learned Gentleman the Attorney General for Ireland. Suppose a number of small tenants in Ireland, say 100, found themselves in great difficulty with regard to their rents in consequence of severe agricultural depression or failure of crops, or great fall in prices. Suppose they are unable to pay their full rents. I will not say they have no property whatever out of which to pay, but I will assume for a moment that they could not pay their full rents without selling off their stock on the farm, and supposing a number of these tenants go to the landlord and ask him for a reduction of rent and he refuses to make a reduction, and suppose four or five of the leading men amongst them summon a meeting of the smaller tenants and ask them to make common cause together, and say to the landlord they will not pay their rents unless some reduction—say of 25 per cent—is made, I want to ask the Attorney General for Ireland whether, under the ruling of Judge Fitzgerald, such a case as this would not be held to be conspiracy and punishable under the law as it now stands? I ask him whether it would not come within the meaning of this section in spite of the introduction of the word "criminal." It seems to me that under the ruling of Judge Fitzgerald there cannot be a doubt that combinations of tenants of this kind, thoroughly spontaneous combinations, and not combinations forced upon them from outside, which may not have taken place under the Plan of Campaign, but which may have occurred on the motion of the tenants themselves to obtain reductions of rent, are now indictable under the law as laid down by Judge Fitzgerald—indictable as conspiracy, and as such, coming within the section now before the Committee. If it is not so, I hope the right hon. and learned Gentleman the Attorney General for Ireland or the hon. and learned Gentleman the Attorney General for England will state distinctly that such a case will not be included within the section, and how it is that it will not come within the section. It appears to me that if that be the state of things, and that if it is intended that cases of that kind can be dealt with summarily under the section now proposed, such a proceeding will be most monstrous. In my opinion, the only way in which small Irish tenants of this kind can really protect themselves under agricultural pressure, and the conditions which now exist in Ireland, is by combination of that character, and that they are just as much entitled to protect themselves by combination in this way as labourers in England are entitled to protect themselves against unfair dealing on the part of their masters. The Act of 1875 expressly met the case of breaches of contract, and in my opinion, breach of contract as regards labour is on the same footing as a breach of contract to pay rent. The payment of rent is not sanctioned upon any higher basis than contracts for labour in England. Now, Sir, what is proposed under the section which is now before us is not, as I have already said, to alter the law, but to alter the procedure of the law, to take the cases away from the jury and the Judges who are now the protection of the tenants of Ireland, and submit them to this inferior tribunal of magistrates. It is not only in Ireland that juries are a protection to people in this position, but it is the same in England. If the law, as laid down by Lord Fitzgerald, be sound, the Welsh farmers who are protesting against the full payment of tithes are just as much guilty of a conspiracy—of a combination, which is an illegal conspiracy under the Conspiracy Law—as tenants in Ireland, and the only thing that saves them from being prosecuted is the fact that no jury in England or Wales would by any possibility convict. I would ask, would any human being suggest that a case of this kind should be dealt with by an ordinary magistrate — would anyone justify the withdrawal of cases of this importance from the tribunals of the country and submitting them to the ordinary tribunals of magistrates? That is what you are proposing to do in Ireland—to draw these complex cases from the Judges of the land and to submit them to the ordinary and most inferior magisterial tribunals in Ireland—to men who, in my opinion, are totally incompetent to deal with the really difficult and dangerous questions that would come before them. There is one other point I wish to bring under the attention of the Committee, and that is the question of the evidence that would come before these magistrates in these cases. These cases of criminal conspiracy involve the most difficult description of evidence that can well be conceived. Lord Fitzgerald, in the charge in the Parnell case, pointed out the extremely vague manner in which the charge might be substantiated; he showed that it was not necessary that you should bring before the Judge evidence to show that the persons charged with conspiracy were actually concerned, man to man, for the purpose of making it a conspiracy; but he said you might infer there was a conspiracy, though the parties had never seen or communicated with one another. I advert to that in order to show how extremely dangerous and loose this law is, and to put the jurisdiction of these cases into the hands of men such as the Resident Magistrates in Ireland, appears to me to be, not only dangerous, but wholly unjustifiable. I venture to say, therefore, that this clause which is now before the Committee is one that ought not to be allowed to pass. By rejecting this clause the Committee would not in any way be altering the law of the land. Under the law as it stands, these cases would go before the Superior Courts; but under this clause it would be transferred to Resident Magistrates. Now, I want to ask the Government why they cannot be satisfied with allowing these cases to remain with the Superior Courts with the protection they have in other parts of the Bill as to the change of juries and the change of venue? Surely it is wiser that cases of this difficulty should be dealt with by the Superior Courts. It seems to me to be fraught with the utmost danger to commit such cases to the tribunal of Resident Magistrates. There is only one other point I would note, and that is that when the Indian Code was under consideration, it was decided by the Commissioners who framed it that nothing should be inserted with regard to conspiracies of this kind, and the Indian Code at this moment does not make it a penal matter that there should be a combination of tenants not to pay their rents. I am informed by the hon. Member for Kirkcaldy (Sir George Campbell) that, not long ago, a strike occurred in Bengal, and the question then arose whether the Government should not pass a law to penalize combinations of this kind, to impose penalties against the persons offending, and after great consideration the Government came to the conclusion that it would not be right to enforce contracts of the kind by resorting to penal law, and nothing was done in the matter; the two parties were left to fight it out, and I am told that they were able to settle the matter amicably. And, further, when the Criminal Law of this country was under consideration in 1878, I find there was no provision in the Code then proposed to Parliament similar to the clause now before us; combinations and conspiracies were not dealt with by that Code at all. The framers of that Code came to the conclusion that it was not wise or right to enforce civil contracts by penal laws of this kind. The fact is that this branch of the law—Judge-made law—has never come under the review of Parliament at all. When it has come before Parliament, as in the case of the Labour Laws, it has been condemned. I have now only to conclude by saying that, in my opinion, any attempt to enforce civil contract by penal law, as in the Law of Conspiracy, and which is proposed to be enforced by the clause before us, is unwise and unjust in the highest degree, and I believe that the full right of combination is equally as important to the small tenants of Ireland as to any other class of people in this country.

Amendment proposed, in page 2, line 17, to leave out sub-section (1).—(*Mr. Shaw Lefevre.*)

Question proposed, "That the words 'any person who shall' stand part of the Clause."

THE ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): The right hon. Gentleman, in commencing his observations, said this question had been substantially discussed very fully last night, and he went on to say that he would, as far as possible, endeavour to avoid reiterating the arguments used on that occasion; but he did not carry out that intention. I have not heard any new argument or any new statement in the whole of his speech, although I followed as closely as I could all his arguments. I do not intend to follow the right hon. Gentleman in all he has said, and I would not have intervened in the debate but for the circumstance that he appealed to me and referred to another appeal made to me yesterday evening. I may at once explain that my view agrees with that of the Attorney General for England; we discussed the matter together, and my view of the law agreed with his. If I was asked for any further statement of what the Law of Conspiracy is, I would quote a passage from the speech delivered by my hon. and learned Friend last night. In my opinion, the right hon. Gentleman is under a misapprehension if he thinks there is any difference between the law of Ireland and that of England on this point. I can assure him, from my knowledge of the matter, that the law is the same both in Ireland and England. It may be possible, in the course of a long Charge delivered by Lord Fitzgerald in the case of Parnell, to quote a sentence here and there which might support some other proposition; but the real point in the charge was that the circumstances proved in the case supported the indictment, and that will be plainly seen if you look at the nature of the case. It was the case of a criminal conspiracy, and if the right hon. Gentleman looks into the evidence he will see the conspiracy was, by a combination of persons by fraud and illegal means, a condition of things which we wish to touch by this clause. As I have stated, I entirely concur in what the hon. and learned Attorney General has said, and, so far as I am aware, there is no difference between the law in England and Ireland upon this point. We wish for a speedy remedy when the combination is criminal; and, therefore, the Government ask the Committee to pass this clause. One argument that the right hon. Gentleman brought forward was that this particular clause was a novel one. It is not a novelty in law, but we introduce a new procedure, because we believe the circumstances of the time require that there should be a new procedure, which is a very different thing. As we have had such a long discussion upon this question, not only last night, but on previous occasions, the Committee will excuse me from saying more than to reiterate again that I entirely agree with what has been said from this Bench, and that, so far as we are concerned, we consider that the matter has been fully discussed.

MR. ATHERLEY-JONES (Durham, N.W.): I do not intend to follow the Attorney General for Ireland through this matter, but I wish to approach, for a moment or so, the consideration of what is really proposed by this clause—namely, for the first time legislating for the people of Ireland in regard to combinations. Now, Sir, my contention is this—that this is an extremely dangerous power to leave in the hands of magistrates. It is a power which has hitherto been reserved by the law of this country, and by the law of Ireland, for the cognizance of the Superior Courts. What is conspiracy? I must confess, in the first place, I am entirely at a loss to understand what the meaning of the words are "any criminal conspiracy;" and I respectfully invite the Attorney General for England to define, as I think it is his duty to do, what the meaning of those words "criminal conspiracy" may be—that is to say, what is the meaning for the purpose of giving them effect in this clause? I understand the Law of Conspiracy to be that it is the endeavour to compass any illegal object by what may be perfectly legal means, or to compass some legal object by illegal means; and what those illegal means may be, and what the object may be, has hitherto been, and still is by the law of this country, a matter entirely for the arbitrament of the learned Judge before whom it is taken. [*Cries of* "Divide!"] I really think this is a matter of too much importance to be dismissed in such a cavalier manner. I am not trespassing upon the Committee unduly; and, as a matter of courtesy, I think I may ask the Committee to listen to what I have to say. I wish to point out, as briefly as I can, that this clause really proposes to enact something that is entirely foreign to the law of England. It proposes that—

> "Any person who shall take part in any criminal"—

combination, because "criminal conspiracy" is meaningless—

> "conspiracy to compel or induce any person or persons either not to fulfil his or their legal obligations, or not to let, hire, use, or occupy any land."

Now, I say it would be absolutely impossible—and I challenge the Attorney General for England on this point—to invent any indictment in which it would be possible for any verdict of guilty to be found whereby a person was charged for the purpose of combination with another for the purpose of letting land, unless, indeed, it could be shown—[*Cries of* "Divide!"] I do not wish to speak for the purpose of throwing the discussion over to-day, although, under any circumstances, it would be so, as it is too important a matter to be disposed of now, but what I wish to point out is that hitherto the whole force of the law of the country, as it has been interpreted by the Judges, has been to limit the Law of Conspiracy, and there is no case throughout the whole of the recorded decisions in our Law Courts where any persons have been found guilty of such a conspiracy as that which is proposed under this section. Very much was said upon this subject in the debate which took place on the Trades Union Act of 1875, and in 1875 the late Mr. Forster, in supporting that Act, pointed out how extremely undesirable it was to have any legislation by which a person could be punished for combining for the protection of his own trade interests, and pointed out, with regard to combinations, that where it was in order to obtain an increase of their wages they were perfectly legitimate combinations to enter into, and that it would be highly improper for the Legislature to interfere. I wish to put it precisely on the same grounds whether this is not in an identical position, that it would be equally within their rights, in the view of Mr. Forster, that persons should combine for the purpose of reducing their rents? There was a case reported many years ago where two men were prosecuted for a conspiracy in favour of exclusive dealing. In that case the men were tried and convicted. That is a subject with which this clause deals. In a later case Lord Ellenborough pointed out that that case could not, as it ought not, have been decided upon that ground, but it was decided entirely upon the ground of the action against the trade, and, therefore, against combinations. [*Cries of* "Divide!"] I will stop before the quarter to 6 o'clock is reached, if that is what hon. Gentlemen opposite are anxious about. This clause constitutes not merely a criminal offence which has hitherto been known to the law, but it provides a particular measure—a particular means—by which this criminal offence should be dealt with; it provides that it should be dealt with by two magistrates, and I submit that is a tribunal absolutely unfitted for dealing with the delicate question of deciding whether or no some proceeding—it may be innocent or otherwise—is, in the eyes of these particular magistrates, a conspiracy. That should be left to the Constitutional authority of this country, and I venture to say it is inexpedient and unconstitutional to provide such a course of procedure.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I claim to move, "That the Question be now put."

THE CHAIRMAN: Last night I pointed out that the discussion of the Amendment of the right hon. Gentleman the Member for Derby was rather anticipating the discussion which would come on under this particular clause, and could only be permitted on the understanding that it would have some effect on the discussion upon this clause. Having regard to this fact, and the circumstance that the characteristics of the combinations to be dealt with will be discussed upon the Amendment of the hon. and learned member for Hackney (Sir Charles Russell), I think it right to put the Question. The Question is, "That the Question be now put."

Question put accordingly.

The Committee *divided*:—Ayes 230; Noes 143: Majority 87.

AYES.

Addison, J. E. W.
Allsopp, hon. G.
Allsopp, hon. P.
Amherst, W. A. T.
Anstruther, H. T.
Ashmead-Bartlett, E.
Atkinson, H. J.
Baden-Powell, G. S.
Baggallay, E.
Bailey, Sir J. R.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Banes, Major G. E.
Barclay, J. W.
Baring, Viscount
Barttelot, Sir W. B.
Bass, H.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beckett, E. W.
Bective, Earl of
Bentinck, rt. hn. G. C.
Bentinck, W. G. C.
Bethell, Commander G. R.
Biddulph, M.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Col. H. B. H.
Boord, T. W.
Borthwick, Sir A.
Bridgeman, Col. hon. F. C.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brooks, Sir W. C.
Bruce, Lord H.
Burghley, Lord
Campbell, J. A.
Campbell, R. F. F.
Clarke, Sir E. G.
Cochrane-Baillie, hon. C. W. A. N.
Coghill, D. H.
Colomb, Capt. J. C. R.
Compton, F
Cooke, C. W. R.
Corbett, J.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cross, H. S.
Cubitt, right hon. G.
Curzon, hon. G. N.
Davenport, H. T.
De Cobain, E. S. W.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dimsdale, Baron R.
Dixon, G.
Dorington, Sir J. E.
Dugdale, J. S.
Duncan, Colonel F.
Dyke, right hon. Sir W. H.
Eaton, H. W.
Ebrington, Viscount
Edwards-Moss, T. C.
Egerton, hon. A. J. F.
Elliot, Sir G.
Elliot, G. W.
Ellis, Sir J. W.
Elton, C. I.
Evelyn, W. J.
Ewart, W.
Ewing, Sir A. O.
Feilden, Lieut.-Gen. R. J.
Fellowes, W. H.
Fergusson, right hon. Sir J.
Finch, G. H.
Finlay, R. B.
Fisher, W. H.
Fitzgerald, R. U. P.
Fitzwilliam, hon. W. J. W.
Fitz-Wygram, General Sir F. W.
Fletcher, Sir H.
Forwood, A. B.
Fowler, Sir R. N.
Fraser, General C. C.
Fulton, J. F.
Gathorne-Hardy, hon. A. E.
Gathorne-Hardy, hon. J. S.
Gedge, S.
Gent-Davis, R.
Gibson, J. G.
Gilliat, J. S.
Goldsmid, Sir J.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hon. G. J.
Gray, C. W.
Green, Sir E.
Grenall, Sir G.
Greene, E.
Grove, Sir T. F.
Gurdon, R. T.
Hall, A. W.
Hall, C.
Halsey, T. F.
Hamilton, right hon. Lord G. F.
Hamley, Gen. Sir E. B.
Hankey, F. A.
Hardcastle, F.
Hartington, Marq. of
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Heneage, right hon. E.
Herbert, hon. S.
Hervey, Lord F.
Hill, Colonel E. S.
Hill, A. S.
Hoare, S.
Holland, rt. hon. Sir H. T.
Holmes, rt. hon. H.
Hornby, W. H.
Houldsworth, W. H.
Howard, J.
Howard, J. M.
Hozier, J. H. C.
Hubbard, E.
Hughes, Colonel E.
Hunt, F. S.
Hunter, Sir G.
Isaacson, F. W.
Jackson, W. L.
Johnston, W.
Kelly, J. R.
Kennaway, Sir J. H.
Kenyon, hon. G. T.
Ker, R. W. B.
Kerans, F. H.
Kimber, H.
King, H. S.
King-Harman, right hon. Colonel E. R.
Knowles, L.
Lafone, A.
Lambert, C.
Laurie, Colonel R. P.
Lawrance, J. C.
Lea, T.
Lechmere, Sir E. A. H.
Legh, T. W.
Leighton, S.
Lewis, Sir C. E.
Llewellyn, E. H.
Long, W. H.
Lowther, hon. W.
Macartney, W. G. E.
Macdonald, rt. hon. J. H. A.
Mackintosh, C. F.
Maclean, F. W.
Maclure, J. W.
M'Calmont, Captain J.
Makins, Colonel W. T.
Malcolm, Col. J. W.
Mallock, R.
March, Earl of
Marriott, right hon. W. T.
Maskelyne, M. H. N. Story-
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Milvain, T.
More, R. J.
Morrison, W.
Mount, W. G.
Mowbray, rt. hon. Sir J. R.
Mowbray, R. G. C.
Mulholland, H. L.
Newark, Viscount
Norris, E. S.
Northcote, hon. H. S.
Norton, R.
O'Neill, hon. R. T.
Paget, Sir R. H.
Parker, hon. F.
Pearce, W.

Plunket, right hon. D. R.
Plunkett, hon. J. W.
Powell, F. S.
Raikes, rt. hon. H. C.
Rankin, J.
Richardson, T.
Ridley, Sir M. W.
Ritchie, rt. hon. C. T.
Robertson, J. P. B.
Ross, A. H.
St. Aubyn, Sir J.
Salt, T.
Sandys, Lieut-Col. T. M.
Saunderson, Col. E. J.
Sclater-Booth, right hon. G.
Selwin-Ibbetson, rt. hon. Sir H. J.
Shaw-Stewart, M. H.
Sidebotham, J. W.
Sidebottom, T. H.
Sidebottom, W.
Sinclair, W. P.
Smith, rt. hon. W. H.
Smith, A.
Stanhope, rt. hon. E.
Stanley, E. J.
Stewart, M. J.
Sykes, C.
Talbot, J. G.
Temple, Sir R.
Thorburn, W.
Tomlinson, W. E. M.
Townsend, F.
Tyler, Sir H. W.
Verdin, R.
Watkin, Sir E. W.
Watson, J.
Webster, Sir R. E.
Webster, R. G.
West, Colonel W. C.
Wharton, J. L.
White, J. B.
Whitley, E.
Wood, N.
Wortley, C. B. Stuart-
Wright, H. S.
Wroughton, P.
Yerburgh, R. A.
Young, C. E. B.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W.H.

NOES.

Abraham, W. (Glam.)
Acland, C. T. D.
Anderson, C. H.
Asher, A.
Atherley-Jones, L.
Austin, J.
Balfour, Sir G.
Barbour, W. B.
Barran, J.
Biggar, J. G.
Blake, J. A.
Blake, T.
Blane, A.
Bolton, J. C.
Broadhurst, H.
Buchanan, T. R.
Byrne, G. M.
Cameron, C.
Campbell, Sir G.
Campbell, H.
Campbell-Bannerman, right hon. H.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Childers, rt. hon. H. C. E.
Clark, Dr. G. B.
Cohen, A.
Connolly, L.
Conway, M.
Cossham, H.
Crawford, W.
Crilly, D.
Crossley, E.
Davies, W.
Dillon, J.
Dillwyn, L. L.
Dodds, J.
Ellis, T. E.
Esslemont, P.
Farquharson, Dr. R.
Finucane, J.
Flynn, J. C.
Fox, Dr. J. F.
Fuller, G. P.
Gilhooly, J
Gill, H. J.
Gill, T. P.
Gourley, E. T.
Gray, E. D.
Gully, W. C.
Harrington, E.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Healy, T. M.
Holden, I.
Hooper, J.
Howell, G.
Jacoby, J. A.
James, hon. W. H.
James, C. H.
Jordan, J.
Kennedy, E. J.
Kenny, C. S.
Kenny, J. E.
Kenny, M. J.
Kilcoursie, right hon. Viscount
Lacaita, C. C.
Lalor, R.
Lawson, Sir W.
Leahy, J.
Lyell, L.
Macdonald, W. A.
M‘Arthur, A.
M‘Cartan, M.
M‘Carthy, J.
M‘Donald, P.
M‘Donald, Dr. R.
M‘Ewan, W.
M‘Kenna, Sir J. N.
M‘Lagan, P.
M‘Laren, W. S. B.
Maitland, W. F.
Marum, E. M.
Mason, S.
Molloy, B. C.
Morgan, O. V.
Morley, rt. hon. J.
Murphy, W. M.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Connor, A.
O'Connor, J. (Kerry)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Hea, P.
O'Kelly, J.
Paulton, J. M.
Pease, Sir J. W.
Pickard, B.
Pickersgill, E. H.
Playfair, right hon. Sir L.
Plowden, Sir W. C.
Potter, T. B.
Powell, W. R. H.
Power, P. J.
Priestley, B.
Pyne, J. D.
Rendel, S.
Roberts, J.
Roberts, J. B.
Robertson, E.
Roe, T.
Russell, E. R.
Sexton, T.
Shaw, T.
Sheehan, J. D.
Sheehy, D.
Sheil, E.
Smith, S.
Stack, J.
Stansfeld, rt. hon. J.
Stevenson, J. C.
Stuart, J.
Sullivan, D.
Tanner, C. K.
Tuite, J.
Vivian, Sir H. H.
Wallace, R.
Wayman, T.
Whitbread, S.
Will, J. S.
Williamson, J.
Williamson, S.
Wilson, I.
Winterbotham, A. B.
Woodall, W.
Woodhead, J.
Wright, C.

TELLERS.
Lefevre, rt. hn. G. J. S.
Morley, A.

The CHAIRMAN: Since the last Division a quarter to 6 o'clock has been reached; and the Question is that the words "any person who shall" stand part of the clause. The construction of the Standing Orders is not without difficulty; but, on the best consideration I can give them, I am of opinion the Question must now be put.

Mr. T. P. O'CONNOR (Liverpool, Scotland), (seated, and with his hat on) said: On a point of Order I wish to draw your attention to the words of the Standing Order, No. 4—

> "At a quarter before Six o'clock on Wednesday the debate on any Business then under discussion shall stand adjourned to the next day on which the House shall sit; after which no Opposed Business shall be proceeded with."

Now, I would respectfully call your attention to the fact that the Division which you are now about to put is a Division put in spite of the protest of 143 Members of the House; and, therefore, Mr. Courtney, I respectfully submit that comes under the head of Opposed Business.

The CHAIRMAN: There is no debate under discussion; the debate is closed, and this is part of the Business that must be completed.

Colonel NOLAN (Galway, N.) (seated, and with his hat on): Mr. Courtney——

THE CHAIRMAN: The hon. and gallant Gentleman cannot speak unless he has something to add.

COLONEL NOLAN: I have something to add. My contention is that no opposed Bills should be taken after a quarter to 6 o'clock, and that this House cannot suspend the Standing Orders unless we are unanimous.

THE CHAIRMAN: Order, order! The hon. and gallant Gentleman is not adding anything to the matter.

MR. M. J. KENNY (Tyrone, Mid) (seated, and with his hat on): Mr. Courtney, on a point of Order I wish to ask if this Division lasts over 6 o'clock, and the House stands adjourned by the Standing Order at 6 o'clock, how will it be competent for Mr. Speaker to take the Chair and adjourn the House?

THE CHAIRMAN: We have not reached that point.

The Committee *divided.*

The Tellers having come to the Table, to report the numbers to the Chairman—

MR. T. P. O'CONNOR (seated, with his hat on as before): Mr. Courtney, are you now entitled to take the numbers, in view of the Standing Orders No. 1 and No. 2 of the House? The first is—

> "That the House do meet every Wednesday at 12 o'clock at noon for Private Business, Petitions, Orders of the Day, and Notices of Motion, and do continue to sit until 6 o'clock, unless previously adjourned."

The second one is—

> "That when such Business has been disposed of, or at 6 o'clock precisely, notwithstanding there may be Business under discussion, Mr. Speaker do adjourn the House without putting any Question."

Now, Mr. Courtney, I call attention to the fact that it is seven minutes after 6 o'clock, and accordingly, Sir, it is a breach of the Standing Orders of the House that any Business should be taken now.

THE CHAIRMAN: I am informed that upon many previous occasions Divisions have begun before a quarter to 6 o'clock, and have not been reported until after 6 o'clock.

The Tellers then reported the numbers:—Ayes 223; Noes 143: Majority 80.—(Div. List, No. 156.)

Committee report Progress.

Motion made, and Question proposed, "That the Committee do sit again To-morrow."—(*Mr. A. J. Balfour.*)

MR. T. P. O'CONNOR: Mr. Speaker, I rise to a point of Order, and ask if it is competent for the right hon. Gentleman to fix the Committee on this Bill at seven minutes past 6 o'clock, in face of the Standing Order that Business should finish at 6 o'clock? I may say, Mr. Speaker, a point has been raised which I submit is not the same. I raised the point when the Chairman of Committees was in the Chair, that it was not competent to take the Division; but the hon. Gentleman ruled there were several precedents in favour of the result of the Division, which began before a quarter to 6 o'clock, being taken after 6 o'clock. I submit we are now dealing with an entirely different matter, which is not the result of a Division, but the fixing of a Committee of a Bill, and with great respect I state that it would be an utter violation, and without precedent, of the Standing Orders.

MR. SPEAKER: In reply to the hon. Gentleman, I have to say the Business of the House has been protracted beyond 6 o'clock in consequence of proceedings before a quarter to 6 o'clock, and the proceedings afterwards have been consequential upon that action. My presence here, after 6 o'clock, is in consequence of that protracted Sitting. At the termination of the day's proceedings it is quite competent for the right hon. Gentleman to move that the Committee sit to-morrow.

MR. T. M. HEALY (Longford, N.): If it would be competent for the House to make an Order now, after 6 o'clock, it would on a point of Order be competent for us to debate it.

MR. SPEAKER: No point of Order arises upon the Question put by the hon. and learned Gentleman; therefore I leave the Chair.

Question put, and *agreed to.*

Committee to sit again *To-morrow.*

And it being after Six of the clock, Mr. Speaker adjourned the House without Question put.

HOUSE OF COMMONS,

Thursday, 19th May, 1887.

MINUTES.]—SUPPLY—*considered in Committee Resolutions* [May 16] *reported.*

PRIVATE BILL (*by Order*)—*Considered as amended* —Over Darwen Corporation.

PUBLIC BILLS — *Committee* — Criminal Law Amendment (Ireland) [217] [*Tenth Night*]—

R.P.; Municipal Corporations Acts (Ireland) Amendment (No. 2)* [176]—R.P.

Re-committed—Committee—Report—East India Stock Conversion* [263].

PROVISIONAL ORDER BILLS—*Report*—Commons Regulation (Ewer)* [237]; Commons Regulation (Laindon) *[238].

PRIVATE BUSINESS.

——o——

MIDLAND GREAT WESTERN RAILWAY OF IRELAND BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Dodds.*)

MR. COX (Clare, E.): I wish to ask for the indulgence of the House while I call attention to a matter of Privilege in connection with this Bill. At any rate, if it is not actually a question of Privilege, it is, at least, a matter which ought to be brought under the notice of the House as something which may be considered gross misconduct. This Bill, about a fortnight ago, was before a Committee of this House, of which the hon. Baronet the Member for South St. Pancras (Sir Julian Goldsmid) was Chairman. The other Members of the Committee were the hon. Member for the Totnes Division of Devon (Mr. Mildmay), the hon. Baronet the Member for the Lewes Division of Sussex (Sir Henry Fletcher), and my hon. Friend the Member for Dublin. The Bill was promoted by the Midland Great Western Railway Company of Ireland, and among the opponents of it were the Waterford and Limerick Railway Company, of which Mr. Spaight is Chairman. At a meeting of the Limerick Harbour Board, of which Mr. Spaight is also Chairman, he is reported to have made some observations attacking the conduct of the Chairman of the Committee and the Committee itself, which I wish to bring under your notice, Sir, and that of the House, because I believe that the remarks made by Mr. Spaight, as Chairman of a meeting of shareholders, really amount to a Breach of the Privileges of this House. The remarks Mr. Spaight is reported to have made were to the following effect:—

> "Mr. Grierson, the Manager of the Great Western Railway, gave important evidence, but he was not listened to. The Chairman (Sir Julian Goldsmid) absolutely turned aside, put his arms over the back of his chair, and affected to go to sleep. From the very commencement of the inquiry the Chairman seemed to have made up his mind on the question. He knew from the start that they had no chance, owing to the apparent bias of the Chairman."

The following statement is contained in a letter which has been published:—

> "We complain that the Chairman of the Committee held and expressed such a strong feeling in favour of the promoters and against the petitioners, from the opening of the case, that everyone who listened to the proceedings was quite satisfied from the first day what the decision would be. Our opponents will, I think, admit that such was the general impression."

MR. SPEAKER: Order, order! The hon. Member is not entitled, in discussing a Private Bill of this character, to bring forward a matter of Privilege. A question of Privilege must be raised separately after this Bill has been disposed of, and not at the time of Private Business. I would ask, however, when the statements were made or published?

MR. COX: The speech was delivered on Monday, and the letter was published on the 9th of May. It was only last night that the paragraph in the newspaper article was brought under my notice, and therefore I have had no opportunity of consulting with you, Sir, as to the proper course of action to be taken. When the Order for the Third Reading of the Bill was read, I thought that would be the proper time for bringing the conduct of this gentleman under the notice of the House.

MR. SPEAKER: I should have been happy, if I had not been otherwise engaged at the moment, to give the hon. Member any advice on the subject. Perhaps the hon. Member will consult me after the Bill has been disposed of. The remarks of the hon. Member relate to a question of Privilege, and have no connection with the Question before the House, which is the Third Reading of this Bill; nor do they affect the passing of the Bill.

MR. COX: No, Sir; they do not affect the passing of the Bill. On the contrary, I am anxious that the Bill should pass.

MR. CHANCE (Kilkenny, S.): I beg to move that the debate be adjourned until to-morrow. Hon. Members will then be able to have the Bill before them, and the question can be properly discussed. I think that would be the most convenient course to take.

MR. SPEAKER: As a point of Order, I have stated that it is not proper to debate a question of Privilege upon a Private Bill. Nor is it necessary to move the adjournment of the debate, because, if the hon. Member objects to the Bill, the matter must, in accordance with the Standing Orders, stand over.

Mr. CHANCE: Then I do object.

Mr. M. J. KENNY (Tyrone, Mid): And I also.

Mr. DODDS (Stockton): Then the Motion must stand over until tomorrow.

Bill to be read the third time *Tomorrow.*

OVER DARWEN CORPORATION BILL (*by Order*).

CONSIDERATION.

Order for Consideration read.

Motion made, and Question proposed, "That the Bill, as amended, be now considered."—(*Mr. Dodds.*)

Mr. HOWELL (Bethnal Green, N.E.): I beg to move the omission of Clause 112, and, in doing so, I desire to call the attention of the House to a matter which has been placed before us in the Report of the Committee which sat upon this Bill. The Bill originally gave power to the Corporation of Darwen to establish sanitary regulations in excess of the provisions of the general law. In 1885 a Special Committee of this House was appointed to consider the Police and Sanitary Regulations contained in certain Private Bills which had been introduced into this House; and the decision which that Committee arrived at was that, unless strong reasons could be assigned, no deviation should be allowed from the provisions of the ordinary law of the land. In regard to the present Bill, the Local Government Board have reported very strongly on some of the provisions contained in it, and asked that they should be amended. I believe that they have been amended accordingly, and, therefore, I do not propose to press the Motion which stood in my name originally—namely, that the Bill be re-committed to the former Committee with respect to Clauses 96 to 131, inclusive, which the former Committee have reported as containing Police and Sanitary Regulations in excess of the provisions of the general law; but I ask the permission of the House to move that Clause 112 be omitted from the Bill. Is it in Order for me to do that?

Mr. SPEAKER: Yes.

Mr. HOWELL: Then I ask leave to withdraw the Motion for the re-committal of the Bill, and to move the omission of Clause 112. Perhaps I may be allowed to explain that this clause is directed against processions of the Salvation Army.

Mr. BRADLAUGH (Northampton): I believe that the promoters have agreed to omit the clause to which my hon. Friend objects.

Mr. HOWELL: I will only say that the powers contained in this clause are of a very exceptional nature; and, although they are intended to prohibit Sunday processions, and are specially directed in this case, I am told, against the Salvation Army, they may have a much wider application. I think it is a most undesirable thing that processions should take place on Sunday, and I am not in favour of them myself; but I think that if it is considered desirable by this House to put a stop to meetings and processions on Sunday it should be done by a Public Bill, and not by a clause inserted in a Private Bill.

Motion made, and Question proposed, "That Clause 112 (Processions on Sundays) be left out."—(*Mr. Howell.*)

Question proposed, "That the Clause stand part of the Bill."

Mr. F. S. POWELL (Wigan): I hope I may be allowed to say a few words in regard to this Bill, and I promise that they shall be confined within the narrowest compass. I only wish to say, on behalf of the promoters, that they have no objection to withdraw this clause. I should not have said a word if my hon. Friend the Member for Worcester, who was Chairman of the Committee which inquired into the Bill, and upon which I had the honour to serve, had been present. This clause was carefully considered by the Committee, and we followed the precedent which has been set by former Committees of reporting to the House that the Bill contained clauses in contravention of the general provisions of the law, and in inserting in the Bill the clause to which exception is now taken. The House has itself created a precedent by sanctioning the same clause on the recommendation of the Committee in former years. I feel it right to say, however, both on the part of the Committee and on the part of the promoters, that there is no objection to the withdrawal of this clause on this occasion.

Question put, and *negatived.*

Original Question put and *agreed to.*

Bill, as amended, *considered.*

Amendment made.

Bill to be read the third time.

QUESTIONS.

—o—

INTOXICATING LIQUORS (IRELAND) ACT, SECTION 8—FINE ON AN HOTEL KEEPER FOR EXHIBITING A POLITICAL BANNER.

Mr. J. E. ELLIS (Nottingham, Rushcliffe) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. Murphy, landlord of the Crown Hotel, Castleisland, County Kerry, was recently fined £2, in consequence of there having been, on the 24th April, on the balcony of his hotel a piece of calico with the words "God save Ireland" thereon; whether such prosecution was at the instance of the Irish Government; whether such prosecution was made in virtue of s. 8 of c. 38, 6 & 7 *Will.* IV., which enacts (*inter alia*) that on no occasion or pretence shall any flag, symbol, colour, or decoration be hung out of licensed premises, except the accustomed sign; and, whether this law has been, or is to be, universally enforced throughout Ireland?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: This publican appears to have been fined as stated. He had positively refused to remove the banner when directed to do so, and said that he would take the consequences. The prosecution was at the instance of the police, and under the provisions of the Statute quoted. This law has been enforced, and no doubt will continue to be so wherever and whenever the preservation of the peace demands it.

EVICTIONS (IRELAND)—VIOLENT CONDUCT OF AN "EMERGENCY MAN" AT MINKSTON, CO. CORK.

Mr. HOOPER (Cork, S.E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, at a recent eviction of a tenant named Barrett at Shanbally, near Minkston, County Cork, an Emergency man named Denis Lynch presented a revolver at a number of women in Barrett's house though no resistance was being offered whether reports have reached him that Lynch was under the influence of drink; whether any Report has been received on the subject from the Constabulary; and, whether the authorities will order an inquiry into the case?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: It appears that Barrett was put out of a house in which he had acted as caretaker; and while the furniture was being removed, his daughter, a young girl, ran out and stated that Lynch had presented a revolver at her. The police who were on duty on the spot inquired into the case, and could find no grounds for the allegation. They also state that Lynch was not under the influence of liquor, and the authorities see no ground for ordering any further inquiry.

Mr. HOOPER: May I ask the right hon. and gallant Gentleman, if these allegations in my Question are substantiated on an affidavit, will he take any further action in the matter?

Colonel KING-HARMAN: I did not gather the allegations were founded on an affidavit. If they are, of course I will make inquiries.

NATIONAL BOARD OF EDUCATION (IRELAND)—THE VACANT SEAT.

Mr. T. W. RUSSELL (Tyrone, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any steps have been taken to fill up the vacancy at the National Board of Education caused by the death of the Duke of Leinster; whether repeated representations have been made to the Government, complaining of the inadequate representation of the Irish Presbyterian Church on this and other public Boards; and, if the Government intend to avail themselves of the present opportunity to bring the Presbyterian representation at the Board of Education more in harmony with that of other Churches?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: Yes, Sir; the Government are taking steps to fill up the vacancy caused by the death of the Duke of Leinster on the National Board of Education. The Government are of opinion that the Irish Presbyterian Church is not adequately represented on the Board; and they will take the present opportunity of increasing the representation of that Body, if possible.

POOR LAW (IRELAND)—ELECTION OF GUARDIANS, BANTRY UNION.

Mr. GILHOOLY (Cork, W.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether complaints have reached him that Constable Kavanagh, of Durras, at the recent election of a Guardian for the Glenlough Electoral Division of the Bantry Union, left a voting paper at the house of Timothy M'Carthy, Glenlough; whether he called for same voting paper, and, if not, why not; whether he left one voting paper each at the house of Ellen Kingston and Cornelius Brien; and, whether he returned two voting papers for each of these persons to the Returning Officer of the Bantry Union, to which their names were attached; and, if true, whether, at future elections of Guardians in the Bantry Union, the Government will see that the policemen entrusted with the distribution and collection of voting papers will act impartially?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: The constable stated that he called for the voting paper at M'Carthy's house, but it was in the possession of Patrick Arundel, one of the candidates for the election, who refused to give it up. With regard to the other part of the Question, I have already replied to that in answer to an inquiry put by the hon. Member on the 3rd instant. The Irish Government have no reason to believe that the constables did not act with impartiality.

Mr. GILHOOLY: Can the right hon. and gallant Member say how it was he returned two voting papers for these houses?

Colonel KING-HARMAN said, two papers were returned; but there were grounds for believing they were forgeries.

LAND ACT (IRELAND)—APPOINTMENT OF SUB-COMMISSIONERS.

Mr. LEA (Londonderry, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If Messrs. Gregory and Wilson, and Colonel Davys, have been appointed Sub-Commissioners under the Land Act; whether there are other ex-Sub-Commissioners whose past service has been longer than that of these gentlemen; upon whose recommendation Colonel Davys was appointed; and, whether the Land Commission has been consulted in these appointments, or its opinion obtained?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: Sir, I am aware that the three gentlemen named have been appointed, and it is quite possible that there are other gentlemen whose past services have been longer than theirs. In one instance this certainly is the case; but seniority cannot be regarded as the sole ground for consideration in making these appointments. The Government, however, cannot discuss the grounds on which they make their appointments, which are made with a full sense of their responsibility in the matter, and they endeavour to secure the services of the best available men. I may remind the hon. Gentleman that Mr. Wilson was one of a list of nine persons specially recommended by himself.

Mr. LEA said, he did not send in any such list. He would remind the right hon. and gallant Gentleman that he had not answered the latter part of the Question.

Colonel KING-HARMAN: No, Sir; the Land Commission is not directly consulted upon these appointments.

Mr. MAYNE (Tipperary, Mid): Is the right hon. and gallant Gentleman aware that Colonel Davys has had a serious dispute with his tenants, who have, within the last week, obtained large reductions in the Land Courts at Roscommon?

Colonel KING-HARMAN: I am not aware, nor do I think it my duty to inquire into this matter.

CIVIL SERVICE WRITERS—THE TREASURY MINUTE.

Mr. T. C. HARRINGTON (Dublin, Harbour) asked Mr. Chancellor of the Exchequer, When the clause in the recent Treasury Minute respecting writers, which provides in special cases for the promotion of writers on the recommendation of the Heads of their Departments to the Lower Division, will be given effect to; whether the various Heads of Departments have already sent in their Reports, with the names of those writers whom they recommend for promotion; and, whether, in view of the fact that it is now nearly six months since the Minute was first issued, he can explain the delay in giving effect to the clause referred to?

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.) (who replied) said: In answer to the hon. Member, the Treasury Minute laid down that a limited number of copyists of admitted merit might be promoted to the Lower Division. It was not intended that any large number would be thus promoted; but the Heads of Departments have been asked and have sent in lists of names, which are being considered, and I anticipate that promotion will shortly be made of a limited number. It is not intended to increase the total number of Lower Division clerks.

DUNDRUM CRIMINAL LUNATIC ASYLUM—THE RESIDENT MEDICAL OFFICER.

MR. W. J. CORBET (Wicklow, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, How many special inquiries into charges made against the Resident Medical Officer of the Dundrum Criminal Lunatic Asylum have been held within the last five years; and, whether there is any objection to lay the several Reports relating to such inquiries upon the Table of the House?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: No special inquiries of the nature indicated have been held. There was a Departmental Inquiry held by order of the Government towards the close of 1881, and in the beginning of 1882, into a number of matters connected with the administration of the asylum, as to which the hon. Member was informed in reply to a Question put by him to the then Chief Secretary, on May 3, 1883. In 1885 there was an inquiry on the general operation of this asylum, and as to the advisability of structural additions and re-arrangement of buildings. As the hon. Member has been already informed, in reply to his former Question on this subject above referred to, Reports of this nature are regarded as confidential, and the Government cannot undertake to lay them upon the Table of the House.

WAR OFFICE—ARMY MEDICAL OFFICERS.

MR. W. J. CORBET (Wicklow, E.) asked the Secretary of State for War, Whether he can state why Army Medical Officers are placed on a footing with Departmental or non-combatant officers, and disqualified from reckoning time on half-pay towards promotion or retirement, in view of the fact that they are required by the Regulations to go under fire, and in time of war, do so?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): There are several reasons why medical officers do not count time on half-pay towards promotion and retirement, as combatant officers do. In the first place, the early voluntary retirement of a combatant officer is often an economy to the public, and the means of saving another officer from compulsory retirement at a comparatively early age. This does not apply in the Medical Staff, where there is no compulsory retirement before the age of 55, and it is desirable to retain trained medical officers as long as they continue efficient. Moreover, the retired pay of medical officers is on a more liberal scale than that of combatant officers.

METROPOLITAN POLICE FORCE—RETURN OF CONSTABLES DISMISSED AND REDUCED.

MR. LABOUCHERE (Northampton) asked the Secretary of State for the Home Department, Whether he will lay upon the Table of the House a Return showing the number of the Police Constables dismissed, and also the number reduced in class, and for what offences, during the time that Sir Charles Warren has been Chief Commissioner of the Metropolitan Police Force?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: The Secretary of State has no objection to lay on the Table a Return showing the number of police constables dismissed, and also the number reduced in class, since Sir Charles Warren has been Chief Commissioner. That number has been below the average of former years. The Secretary of State does not think it will be expedient, in the public interest, to give a Return of offences for which constables have been dismissed or reduced. The Commissioner has, by Statute, the power to dismiss constables without assigning any cause. The Secretary of State will, however, be happy to give the hon. Member privately any information as to any particular case in which he takes an interest.

Mr. LABOUCHERE: Will the hon. Gentleman make the Return divisional?

Mr. STUART-WORTLEY: I will consider that point.

WAR OFFICE—REGIMENTAL BANDSMEN AT POLITICAL MEETINGS.

Mr. LABOUCHERE (Northampton) asked the Secretary of State for War, Whether his attention has been called to the fact that six bandsmen of Her Majesty's Hussar Regiment, quartered at Colchester, took park in uniform at a concert given by the Conservative Club in that town on Monday, 9th May; and, whether this was not contrary to the Regulations that are in force with regard to the presence of regimental bandsmen at political gatherings?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): It appears that the officer commanding did allow some of his bandsmen to play at a workmen's Conservative Club in uniform, as the meeting was merely social, and without any political significance. But he has been instructed not to allow the bandsman to take part in any concert without the permission of the General Officer commanding.

SOUTH AFRICA—ANNEXATIONS IN ZULULAND.

Dr. CLARK (Caithness) asked the Secretary of State for the Colonies, What is the geographical limit of the Zululand that has been annexed, and does it include any part of Tongoland; is the annexation approved of by Dinizulu, Undabuka, Umnyamana, and the principal Chiefs of the Zulu people; and, will Zululand become a portion of Natal, or a separate Crown Colony?

The SECRETARY of STATE (Sir Henry Holland) (Hampstead): The Zululand which has been annexed includes all the Kingdom of Cetewayo, excepting what has been assigned to the new Republic. It does not include any part of Tongoland. The areas of the parts of Zululand are:—New Republic, 2,854 square miles; British Zululand, comprising the Reserve Territory and Eastern Zululand, 8,220 square miles. The new Republic is, therefore, little more than a fourth of the total area, whereas under the Agreement of August, 1884, the Zulus had practically ceded 4,234 square miles to the Boers; the difference, 1,380 square miles, has been secured to them by the friendly intervention of Her Majesty's Government. Dinizulu, Undabuka, Umnyamana, and the other principal Chiefs of Zululand, received favourably the intimation that Her Majesty's supreme authority and protection would be extended to their country. It is proposed to grant them pensions during their lives. Zululand will not be annexed to Natal—at all events at present—and will be administered as a separate Crown Colony for the benefit of the Natives.

Dr. CLARK asked the right hon. Gentleman if he could inform the House as to the estimated cost to the Imperial Treasury of the new Crown Colony of Zululand?

Sir HENRY HOLLAND said, the increase in the cost of administration was estimated at £6,037 a-year. The Government hoped to meet this in future years by a native hut tax, and by licences and imposts such as were now levied in the Zulu Reserve; but for the £5,000 of the current year it was not proposed to ask the British taxpayer to pay anything, because it would be met out of the Cash Reserve Fund, which had accumulated under the careful management of the Reserve. That territory would now become part of Zululand; and, therefore, it was fair to use the balance this year.

Mr. OSBORNE MORGAN (Denbighshire, E.) asked whether a map of the country would be published?

Sir HENRY HOLLAND said, that a map would be published with the Papers.

UNITED STATES—EMIGRANTS TO TENNESSEE.

Mr. PAULTON (Durham, Bishop Auckland) asked the Under Secretary of State for Foreign Affairs, Whether complaints have reached Her Majesty's Government with regard to the position of emigrants who recently went out to Tennessee in connection with the Tennessee Coal, Iron, and Railroad Company; whether inquiry is being made into the circumstances; and, if so, whether the results of such inquiry will be made public; and, whether Her Majesty's Government will take any action in the matter, should the complaints prove to be well-founded?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): Inquiries on this subject are being made through the Home Office. Any further action will depend upon the result of those inquiries.

THE MAGISTRACY (ENGLAND AND WALES)—BOROUGH OF HANLEY.

MR. WOODALL (Hanley) asked the Secretary of State for the Home Department, Whether it is true that it is intended to increase the number of magistrates acting in and for the borough of Hanley; whether the selection of the gentlemen nominated has been made without the knowledge, consent, or approbation of the Town Council of that borough; and, whether, in view of the fact that the Mayor, Aldermen, and Burgesses, under the corporate seal, have memorialized Her Majesty and petitioned the House of Commons to the effect that the suggested appointments would not conduce to the respect in which the Bench should be held by the inhabitants, he will advise the Lord Chancellor to take steps to obtain the concurrence in any selection for these important posts of the governing body most competent to advise as to the gentlemen best qualified in the esteem and confidence of those among whom they will have to administer justice? The hon. Gentleman said, he was informed that since the Notice was put on the Paper and subsequently to the presentation of the Memorials referred to, in spite of the protest of the Corporation, the names of six gentlemen had been added to the Commission of the Peace. Such being the case, he would not trouble the Secretary of State to reply to the Question.

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: The hon. Member appears to have been under some misapprehension. On the 28th of April the Lord Chancellor gave the necessary directions for the insertion of additional names in the Commission of the Peace for the borough of Hanley. Before that time a letter was sent to the Town Council by the Lord Chancellor, in terms which are now often used in such cases, inviting observation as to the fitness of the gentlemen proposed. The Council raised objections to certain of those gentlemen; but the Lord Chancellor, after considering the objections, made the appointments. It is not intended to make any further addition to this Bench at the present time. The Secretary of State does not conceive it to be a part of his duty to interfere with the discretion which the Lord Chancellor thinks right to exercise in the selection of persons to be Justices of the Peace.

LAND ACT (IRELAND)—FAIR RENTS—CASE OF T. R. WHITNEY.

DR. KENNY (Cork, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that Jeremiah Connolly, of the townland of Derrylugga, Barony of East Division of West Carberry, County Cork, a tenant of Thomas R. Whitney, Blackrock, County Cork, served an originating notice to have a fair rent fixed on the 11th November, 1881; whether his rent was £17, and valuation £12 5*s.*; whether his case was not adjudicated on till June, 1883, when the old rent of £17 was confirmed without reduction by the Sub-Commission presided over by Messrs. M'Devitt and Walpole; whether Connolly appealed from this decision on 15th July, 1883, and whether said appeal is still unheard; whether, if the facts are as above stated, he will explain the delay that has occurred in the hearing of this poor man's appeal, whereby he is still condemned to pay what may be ultimately decided to be an unjust and exorbitant rent; and, whether he can hold out any hope that the Chief Commission will soon hold a sitting in Cork to hear appeals so long pending?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the facts of the case were substantially as stated in the Question. The delay, which was a serious matter, had arisen through inadvertence on the part of the Land Commission. The Commissioners reported that a sitting would be held in West Cork in October or November next, when the case would be tried.

DR. KENNY asked, whether, considering the fact that this man's case had been so long delayed, he would not get the benefit of any reduction which might be made in the rent from the time he served his notice?

Colonel KING-HARMAN said, he had rather anticipated this Question; and he was prepared to say that, considering the gross negligence which had been shown on the part of some of the officials of the Land Commission, the circumstances mentioned would be taken into consideration.

POST OFFICE — AUXILIARY LETTER CARRIERS—CASE OF HENRY GOODCHILD.

Mr. ISAACS (Newington, Walworth) asked the Postmaster General, Whether an application has recently been made, by Henry Goodchild, for an appointment as auxiliary letter carrier in the Metropolitan District, to supplement his present income, which he has been in receipt of for the past two and a-half years, as verger in a Church of England, and that such application was refused; whether the said applicant was a police constable in the Metropolitan Police Force, and took a leading part in a movement for an increase of pay and a reduction in the hours of duty, which was conceded by the then Chief Commissioner of Police, in consequence of which Goodchild was dismissed; and, whether the refusal to appoint him an auxiliary letter carrier was owing to such dismissal from the Police Force?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): Henry Goodchild did, in August last, apply for employment as an auxiliary letter carrier in London; but, as it was ascertained that he had been dismissed from the Metropolitan Police Force, it was not deemed expedient to comply with his request. Even in the absence of such objection I should, of course, exercise my discretion in making the selections for such employment from among the very numerous applicants.

SCOTLAND—THE TWEED ACTS.

Sir EDWARD GREY (Northumberland, Berwick) asked the Lord Advocate, Whether the Government intend to bring forward this Session the promised reform of the Tweed Acts; and, if not, whether they will take steps to satisfy the strongly-expressed wish of the people living in Berwick and the adjoining part of the Tweed District, to have an extension of the time for net fishing for salmon on that River beyond the date fixed for its closing by the present law?

Sir WILLIAM CROSSMAN (Portsmouth) asked the Lord Advocate, whether, before introducing any Bill regulating the fisheries in the River Tweed, he would give an opportunity to the Tweed Commissioners to express their views?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): Her Majesty's Government adhere to their intention of dealing with the Salmon Fishery Laws in Scotland; but the state of Public Business renders it most unlikely that this can be accomplished during the present Session. It is not thought advisable to deal by separate Bill with any special matter relating to salmon fisheries. In reply to the supplementary Question, the Government would be glad to receive any representations from the Tweed Commissioners on the matter.

RAILWAYS — INSPECTORS' REPORTS UPON ACCIDENTS.

Mr. CHANNING (Northampton, E.) asked the Secretary to the Board of Trade, Whether the Board of Trade will consider the advisability of instructing their Inspectors, in making their Reports upon accidents, in all cases to append to such Reports a reference or references to Reports, if any, of the Inspectors of the Board of Trade upon previous accidents of a similar character on the same lines of railway, where the Inspectors of the Board of Trade have drawn attention to similar defects of plant or working, and have had occasion to make similar recommendations to the same Railway Company?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): It has been the practice of the Inspecting Officers generally to refer to recommendations previously made by them upon other accidents where similar recommendations had been made. Attention will be paid to the suggestion contained in the Question of the hon. Member; but it would be difficult to make an absolute rule in the matter.

CHARITY COMMISSIONERS—THE JUDD FOUNDATION, TONBRIDGE.

Sir JULIAN GOLDSMID (St. Pancras, S.) asked the Vice President of the Committee of Council on Education, Whether the Charity Commissioners have received from the Local Board of Tonbridge a Memorial praying that a scheme may be prepared for the establishment of a Second Grade School at Tonbridge, in connection with the Judd Foundation; and, whether the Commissioners will accede to the prayer of that Memorial?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): The Charity Commissioners have received the Memorial mentioned in the Question; they have, in consequence, had under their consideration the present application of this wealthy endowment, and propose shortly to communicate with the Skinners' Company, as the Governors of the School, with a view to the furtherance of the proposal made by the Memorialists.

DISTURNPIKED ROADS—ANNUAL RECEIPTS AND CONTRIBUTIONS.

MR. WEBSTER (St. Pancras, E.) asked the First Commissioner of Works, Whether, in view of the fact that the annual receipts from disturnpiked roads to the Imperial Exchequer is £215,000, and the contribution to the local expenditure in regard to those roads is given in proportion to their mileage alone, and not in reference to the previous increment from the tolls, nor to the present cost of the wear and tear, the Exchequer contribute a sum of only £1,000 annually in aid of the previously disturnpiked roads within the Metropolitan area; and, if such be the case, whether the road made through the Park by the First Commissioner of Works at Hyde Park Corner might be maintained out of the receipts received from the previously referred to disturnpiked roads generally?

THE FIRST COMMISSIONER (Mr. PLUNKET) (Dublin University): There are no receipts to the Imperial Exchequer from disturnpiked roads, and "the contribution to the local expenditure in regard to those roads" is not given "in proportion to their mileage alone;" but is based, in the case of the Metropolis, on the estimated annual cost of maintaining the roads as turnpike roads. The amount contributed by the Exchequer last year in respect of disturnpiked roads in the Metropolis was £1,759. As to the new streets at Hyde Park Corner, the expense of maintaining them has now for four years been borne by the Exchequer without local contribution of any kind; and it is to put a stop to this state of affairs that I have asked Parliament to pass the Hyde Park Corner (New Streets) Bill.

MR. COX (Clare, E.) asked, whether the right hon. and learned Gentleman's attention had been directed to the great necessity of a crossing between Westminster Abbey and the House?

MR. PLUNKET: I am afraid that question does not spring very directly from the last one.

MR. COX gave Notice that he would put down a Question on the subject.

EDUCATION DEPARTMENT—BRADFORD SCHOOL BOARD.

MR. J. G. TALBOT (Oxford University) asked the Vice President of the Committee of Council on Education, Whether he is aware that, in the borough of Bradford, the actual rate paid for School Board purposes much exceeds the rate nominally levied; and, if so, whether he would submit a Statement to the House of the amount of School Board rate in the £1 nominally levied, and that actually collected from the ratepayers?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): The actual rate paid for School Board purposes may, in many cases, exceed the amount in the £1 nominally levied, as the Return submitted to Parliament is based upon the gross rateable value from which considerable deductions have to be made in the process of rating. I believe this to be the true explanation of the discrepancy; but I have no means of furnishing the information asked for in the latter part of the Question.

SOUTH AFRICA—ANNEXATIONS IN ZULULAND.

MR. W. REDMOND (Fermanagh, N.) asked the Secretary of State for the Colonies, If he will state whether the Zulu people have given their sanction to the annexation of their territory to the British Empire; and, whether information has reached him that the Cape Colonists are very much averse to the extension of the British Possessions in South Africa?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): The first Question has been, I think, sufficiently answered by my replies to the hon. Member for Caithness (Dr. Clark) to-day, and to the hon. Baronet the Member for Evesham (Sir Richard Temple) on the 17th. With regard to the second Question, my reply is that, so far as Zululand is concerned, the Cape Government and people have for a long time desired that, in the interests of peace and public safety in South Africa, Zululand should be brought under the Queen's Sovereignty; and Her Majesty's Government have no reason to believe that there is any body of opinion in South Africa averse to the recent extension of the British Possessions. I may call the attention of the hon. Member to a speech made on Tuesday by Mr. Robinson, the Natal Delegate to the Colonial Conference, and a man of high intelligence and political experience. He expressed his belief that the Proclamation of the annexation of Zululand will be hailed with great satisfaction both by the European and Native populations of South Africa.

MR. W. REDMOND said, he wanted to know, were any steps taken to ascertain what the views of the people of Zululand were with regard to the annexation?

SIR HENRY HOLLAND replied that some time ago, in answer to a Question, he stated that he had been informed that the Zulus themselves had asked us to come in and protect them from the Boers. He also said he had telegraphed for information when it was decided to take further steps, and that Mr. Osborne and Sir Arthur Havelock informed the Colonial Office that the majority, inclusive of the people and the Chiefs, would gladly accede; that the people would be specially glad of British rule; and that that was the opinion of the Chiefs and those skilled in the government and knowledge of the people.

MR. JOHN MORLEY (Newcastle-upon-Tyne): What is the date of that telegram?

SIR HENRY HOLLAND: That telegram I have already read? It is dated the 13th, and was received on the 14th February last.

EGYPT — SIR HENRY DRUMMOND WOLFF'S MISSION—REPORTED EVACUATION.

MR. W. REDMOND (Fermanagh, N.) asked the Under Secretary of State for Foreign Affairs, Whether it is true, as stated in *The Standard* of the 17th instant, that England and Turkey have agreed to the evacuation of Egypt in three years, on certain conditions; and, if so, what are these conditions, and when will the Government inform Parliament as to the instructions given by the Cabinet to Sir Henry Drummond Wolff?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): I am unable to give the hon. Member any information on the subject.

MR. W. REDMOND: Might I ask the right hon. Gentleman whether it is the intention of Her Majesty's Government to conceal all information from Parliament?

MR. SPEAKER: Order, order!

RIVERS POLLUTION ACT—THE RIVER WEAR.

MR. W. CRAWFORD (Durham, Mid) asked the President of the Local Government Board, Whether his attention has been called to the fact that in the rural parish of Crossgate, in Durham, a rate of 2*s.* 6*d.* in the £1 was levied by the Durham Rural Sanitary Authority to construct a sewer discharging unfiltered sewage into the River Wear; that the Auditor, having decided the construction of such sewer to be illegal and in contravention of the Rivers Pollution Act, thereupon disallowed and surcharged the members of the Board the amounts paid in respect thereof; that the Local Government Board, when appealed to by the Durham Rural Board, confirmed the Auditor's decision, but remitted the surcharge, thus depriving the ratepayers of any redress, although they admitted the rate of 2*s.* 6*d.* in the £1 wrongfully and illegally levied for such a purpose; and, if the circumstances are as stated, will the Government say whether the ratepayers of Crossgate have any means of recovering the rate of 2*s.* 6*d.* thus illegally levied on them?

THE PRESIDENT (Mr. RITCHIE) (Tower Hamlets, St. George's): Sums amounting to about £130, which had been expended by the Durham Rural Sanitary Authority in providing a sewer for the contributory place of Crossgate, were disallowed by the Auditor on the ground that unpurified sewage was discharged through the sewer into the River Wear in contravention of the

Rivers Pollution Prevention Act. On an appeal by the members of the Sanitary Authority who were surcharged, the Local Government Board confirmed the Auditor's decision. It appeared, however, that the river was largely polluted from other sources, and that, in fact, the new sewer had not occasioned any material increase in the pollution. It did not seem to the Board necessary to require that the members surcharged should personally bear the cost of the works, and they, therefore, remitted the disallowance and surcharge. I am not aware of any means by which the ratepayers of Crossgate can be recouped the amount in question.

COURT OF BANKRUPTCY—MR. E. M. LANGWORTHY — PRIVATE EXAMINATION.

DR. CAMERON (Glasgow, College) asked the Secretary to the Board of Trade, Whether his attention has been called to the fact that on Saturday last an examination in Bankruptcy in proceedings against Mr. E. M. Langworthy was conducted in private, and the Press prevented from reporting what took place; if he will state under what provision of the Bankruptcy Acts the proceedings were kept secret; and, whether he will consider the advisability, if necessary, of amending the Law so as to secure publicity in cases where, as in the one referred to, the question at issue is an alleged fictitious transfer of property by a debtor with a view to defraud his creditors?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): An examination of certain persons is taking place in the bankruptcy proceedings against Mr. E. M. Langworthy at the instance of the Chief Official Receiver. The proceedings are carried on under Section 27 of the Bankruptcy Act for the purposes of discovery, and the mode in which they are conducted is a matter within the province of the Bankruptcy Court itself. Such an examination is, however, as a matter of fact, conducted in private, in accordance with the practice of the Court, and the ends of justice might be entirely defeated if that were otherwise. But the ulterior proceedings to which the result of the examination may give rise will have the usual publicity.

FREE CHURCH OF SCOTLAND—MISSION STATION AT CONSTANTINOPLE.

MR. BUCHANAN (Edinburgh, W.) asked the Under Secretary of State for Foreign Affairs, Whether his attention had been called to the Memorial from a Committee of the Free Church of Scotland with regard to certain property belonging to their Mission Station at Constantinople, dated 4th May, 1887; and, whether Her Majesty's Government will, in view of the statement of facts therein set forth, and considering that no pecuniary liability will be cast upon the Treasury, reconsider the instructions recently issued to Her Majesty's Ambassador at the Porte, and allow the property in question to be vested in the Embassy on trust for the Mission, in accordance with precedent and the prayer of the Memorialists?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The Memorial in question has been communicated to the Treasury, who have decided that, under the circumstances set forth in it, the property may be held in trust by the Embassy, on the condition that it shall entail no pecuniary liability on the part of Her Majesty's Government.

EMIGRATION FROM IRELAND.

MR. W. A. MACDONALD (Queen's Co., Ossory) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to the alarming increase in the number of emigrants from Ireland during the month of April of the present year; and, whether he can give the House any idea as to the cause of the increase?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: My attention has been directed to the considerable increase of emigration referred to in the Question. The hon. Gentleman might have gathered from the numbers which I stated a few days ago that my attention has been directed to the subject. In addition to the usual causes operating towards emigration, at present there is a considerable want of employment in the country, and there is a fear on the part of many as to the consequences likely to ensue from their past misconduct. There is likewise a disinclination on the part of many others to join Secret Societies, which, if they remained in the country, they would most probably be compelled to join.

MR. W. A. MACDONALD asked, whether the right hon. and gallant Gentleman did not think the increase was due, at least in part, to the introduction of the Criminal Law Amendment (Ireland) Bill into this House, and to the conviction on the part of the people of Ireland——

MR. SPEAKER: Order, order! that is a matter of opinion, and not the subject of the Question.

MR. ARTHUR O'CONNOR (Donegal, E.): The right hon. and gallant Gentleman, in answering the Question, had used the words, "My attention has been directed." The Question on the Paper was, whether the attention of the Chief Secretary had been directed to the subject?

INLAND REVENUE—THE INCOME TAX —CHARGE ON THE WIVES OF CIVIL AND MILITARY OFFICERS IN INDIA: AND OTHERS ABROAD.

MR. KING (Hull, Central) asked Mr. Chancellor of the Exchequer, Whether the following General Instruction to the Surveyor of Taxes has been altered or cancelled:—

> "A wife receiving an allowance or remittances from her husband abroad is to be charged for the same as his agent, under the second proviso to s. 45 of Act 5 & 6 *Vict.*, c. 35, when the remittances are derived from any kind of property out of the United Kingdom, whether real or personal, movable or immovable. But remittances derived from trade profits, salary, &c., are not chargeable;"

whether the portion of the pay of Civil or Military officers in India, remitted to their wives at home, comes under the word "salary," and is not exempt from Income Tax, Income Tax having been already paid in India; whether he is aware that wives of Indian officers have been charged Income Tax in England on home remittances from their husband's pay; and whether this is in accordance with the law?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square), in reply, said, that the Instruction referred to had not been altered or cancelled. In answer to the second Question, he had to say that remittances such as the hon. Member had described were not liable to Income Tax provided the husband had not been at any time resident in this country during the year of assessment. But the exemption was not granted in connection with the payment of Income Tax in India. He was not aware that the wives of Indian officers were charged Income Tax under the circumstances mentioned; but if the hon. Gentleman brought to his notice any case in which that had been done it would receive attention.

IMMIGRATION OF DESTITUTE FOREIGNERS.

MR. J. G. TALBOT (Oxford University) asked the Under Secretary of State for Foreign Affairs, Whether the attention of Her Majesty's Government has been called to the alleged immigration into this country of a large number of foreigners in a destitute condition; and, whether, if the statement is correct, the Government will endeavour to make such representations to Foreign Governments as will put a check upon so heavy an addition to the burdens of the ratepayers of this country?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): There has been a considerable increase of foreigners in the East End of London who have become chargeable to the public, and complaints are also made of the impoverishment of wages caused by the competition of foreign labour in certain industries. If it were determined to take any steps to check the immigration of persons not in a condition to maintain themselves the matter would be one of domestic legislation, rather than for representation to Foreign Governments.

MR. T. P. GILL (Louth, S.) inquired, whether foreigners who entered English workhouses were sent back to their own country in the same way as Irish people were?

SIR JAMES FERGUSSON replied that it was notorious that they could not send foreigners abroad in the same way that destitute people were sent to their own parishes.

METROPOLITAN DISTRICT—DEATHS FROM STARVATION AND PRIVATION.

MR. J. G. TALBOT (Oxford University) asked the President of the Local Government Board, Whether his attention has been called to a Return, recently presented to this House, of deaths from starvation and privation in the Metropolitan District, whereby it appears that in the case of George Hicks, on whom an inquest was held on 12th March, 1886, the verdict of the jury was to the effect that—

> "Death was accelerated by exposure to cold in the wood shed of Paddington Workhouse;"

and that in the case of Thomas Turner, on whom an inquest was held on the 8th December, 1886, the deceased—

> "Had been deterred from asking further parochial relief by letters demanding repayment for a loan"

from the Edmonton Union; and, whether any official inquiry has been made into these cases; and, if not, whether he will cause inquiry to be made?

THE PRESIDENT (Mr. RITCHIE) (Tower Hamlets, St. George's): I have seen the Return referred to. The attention of the Local Government Board was drawn to the case of Hicks at the time when it occurred, and they ascertained that a committee of the Paddington Guardians had inquired into the matter, and had come to the conclusion to make provision for warming the wood shed at the Workhouse. This report was adopted by the Guardians. I am inquiring whether the necessary alterations have been carried out. As regards the case of Turner, I am informed that when in June, 1886, he made application to the Edmonton Guardians for relief he applied for it on loan. He received relief in the months of June and July, but did not afterwards apply; and it was not until November that application was made to him to commence the repayment of the value of the relief granted him. Whether this application deterred him from asking for further relief I am not at present able to say; but I am making further inquiries on the subject.

WAR OFFICE (ORDNANCE DEPARTMENT) — DEFECTIVE WEAPONS — THE TESTS.

MR. HANBURY (Preston) asked the Secretary of State for War, Whether, as all the bayonets in the hands of the Regular Infantry have now been re-tested, he can state what was the test to which they were submitted, and when it was introduced, how many were so tested, and how many failed to pass the test?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): The long triangular Martini-Henry bayonets and the sword bayonets in the United Kingdom have been re-tested. The former were sprung on all three faces round a curved block 2½ inches high in the centre—struck twice on each flat, and gauged; also a large percentage were twisted from point to socket through a quarter of a circle; 40,180 in the hands of the troops, and 123,400 in store were thus tested; 4¾ per cent of those with the troops and 3 per cent of those in store broke; 4¾ per cent with the troops and 1½ per cent in store were under gauge; 21½ per cent with the troops and 11 per cent in store were found to be soft; and 69 per cent of those with the troops and 84½ per cent of those in store passed the re-testing. Of the sword bayonets, 12,800 in the hands of troops and 22,000 in store were re-tested by being sprung round a curved block 2½ inches high, or over a bridge giving the same bend, struck on an oak block on back and edge and on each flat, troughed, and gauged; 90 per cent of those with troops and 89½ per cent of those in store passed the test. Of the remainder, in each case 9 per cent were soft, and 1 per cent of those with the troops and 1½ per cent of those in store broke. Of the weapons which were returned as "soft," 50 per cent of the sword bayonets passed, after being re-hardened and tempered; and of the triangular bayonets, 75 per cent of those from the troops and 86 per cent of those in store passed under similar circumstances. As a much larger proportion of the weapons in the hands of the troops failed to pass the test than of those in store, it is evident that the bayonets have seriously deteriorated since their issue to the troops. Troops at home are, of course, all armed with re-tested bayonets. Supplies have been sent to the Mediterranean, Egypt, and South Africa, and those in the hands of the troops at those stations have been recalled for the purpose of being re-tested. Those only that pass the re-test will be placed in store. As previously stated, the bayonets in possession of the Militia will be re-tested during the present year, and replaced as necessary. I will now, with the permission of the House, refer to two Questions as to imperfect arms which my hon. Friend has previously addressed to me. He inquired as to an alleged testing, with very bad results, of the swords of the Royal Horse Guards in October last; but the officer commanding the regiment reports that no such test took place. Then, as regards the shovels which broke in the hands of men of the East Kent Regiment at Dover, I have to say that they were of a pattern introduced in 1871 from America as reserve intrenching tools. It was soon found that they were too light for ordinary unskilled work, and in 1875 a heavier and stronger pattern was introduced for general service; but the store of the light pattern was retained to be used gradually up. The tool is really a shovel, and answers fairly well at Chatham in the hands of the Sappers; but it is not fit for use as a spade thrust into heavy soil. The central store of these shovels at Woolwich is exhausted. Those at out-stations will be recalled, and replaced by proper spades. Steps are in progress to thoroughly overhaul all intrenching tools, and to reject from store all as to the utility of which there can be any serious doubt. There remains the question of the sword bayonets of the City of London Artillery Volunteers. After repeated applications, since my hon. Friend's Question, I have only this afternoon received Colonel Hope's Report as to the tests to which they were subjected. I should, therefore, prefer to reply on this point to-morrow.

MR. HANBURY asked, whether the test to which the sword bayonets had been recently subjected was the same as that to which they were subjected when they were first issued?

MR. E. STANHOPE: No; it is a much more severe test. Of course, the original testing took place a long time ago.

SIR HENRY HAVELOCK-ALLAN (Durham, S.E.) inquired, whether the new test would be applied to the intrenchment shovels in the possession of the Infantry?

MR. E. STANHOPE said, he understood that the arms and tools of all troops would be overhauled.

SUPERANNUATION AND RETIRED ALLOWANCES—PENSION TO A CUSTOM HOUSE OFFICER — FRAUDULENT DRAWING.

MR. HANBURY (Preston) asked the Secretary to the Treasury, Whether his attention has been drawn to the fact that the annual pension of £40 of a Custom House official, named Leckey, who retired at the age of 67 in 1845, and died in 1852, was drawn by his wife for 23 years after his death, and for a further 12 years by his daughter, up to March of this year; whether he has reason to believe that similar cases are not uncommon; what precautions are taken to prevent imposition of this kind; and, who are the officials to whose neglect the waste of public money in this instance was due?

MR. CALEB WRIGHT (Lancashire, S.W., Leigh) also asked Mr. Chancellor of the Exchequer, Whether any step will be taken to inquire into the abuses recently exposed of persons receiving pensions for many years after the lawful recipient has died; and whether during the present Session the Government intend to ask the House to appoint a Select Committee to inquire into the Pension List?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): Perhaps the hon. Member for the Leigh Division of Lancashire will allow me to deal with the Question which he has addressed to the Chancellor of the Exchequer at the same time as the Question of the hon. Member for Preston. As the House is, no doubt, aware, the offender in this case was prosecuted by the Board of Customs, was convicted of felony, and sentenced to a term of imprisonment. I have made inquiries of the Offices that pay pensions, and I am informed that no similar case has been discovered in any of the Civil Departments, though in military pensions attempts at personation appear not to be uncommon. The Regulations for the payment of pensions require the production of a certificate, attested by a Justice of the Peace, notary public, or a member of certain specified classes of the community, of the continued existence of the person claiming to be entitled to the pension, and a false declaration, of course, exposes the offender to legal penalties. In addition to this, though not prescribed by the Regulations, it has been the practice in, I believe, all paying Departments, except the Customs, to check the age of all claimants at certain intervals, and to exercise extreme care whenever the lapse of time since the grant of the pension or the age of a pensioner gave cause for exercising caution. I am considering whether this practice, or some development of it, should not be embodied in the Regulations. In the meantime, a general and careful scrutiny of pensioners is in progress. The method appears to me to be one entirely for Departmental regulation, and in no way to call for inquiry by a Select Committee of this House.

MR. HANBURY: Is nobody responsible in this matter?

MR. JACKSON: Obviously the persons responsible are the officials in the Custom House.

MR. HANBURY: Will the hon. Gentleman endeavour to trace the persons who are responsible?

MR. BRADLAUGH (Northampton): Is the hon. Gentleman aware that until a few years ago there was a person who appeared in the Pension List as receiving a pension for services rendered in the American War of Independence?

[No reply.]

THE FRENCH EXHIBITION OF 1889.

MR. E. ROBERTSON (Dundee) asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table of the House a copy of any communications that have passed between Her Majesty's Government and the French Government on the subject of the French Exhibition?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): I shall be happy to lay upon the Table a copy of those communications.

MERCHANT SHIPPING—HOURS OF UNLOADING.

MR. ATKINSON (Boston) asked the Secretary to the Treasury, If his attention has been called to the fact that the hours of 8 a.m. to 4 p.m., during which goods may be landed out of vessels arriving from beyond the seas in four months of the year without payment of charges for overtime for the officials attending, are not suitable for the present state of navigation, which has changed so greatly from sailing vessels to steamers, and to ask if the Lords Commissioners of the Treasury will exercise their option of appointing "other hours," by making the time 6 a.m. to 6 p.m.?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): My attention has been called to this subject by Memorial from certain Chambers of Shipping. I will consider the question in concert with the Customs authorities, and see whether any extension of the hours can be obtained without any serious increase of expense to the Customs Department.

IMMIGRATION OF FOREIGNERS.

MR. MUNRO-FERGUSON (Leith, &c.) asked the Secretary to the Board of Trade, Whether, in view of the Memorandum issued on the Immigration of Foreigners into the United Kingdom, he will consider the advisability of framing some such Regulations with regard to this immigration as are in force at New York?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The matter to which the hon. Member refers is one of great intricacy; but I can assure him it is engaging the attention of the Board of Trade.

EVICTIONS (IRELAND) — POWERS OF SHERIFF.

MR. FINUCANE (Limerick, E.) asked Mr. Attorney General for Ireland, If a Sheriff and those policemen who accompany him are entitled, whilst on eviction duty, to force their way through the lands of any farmer who objects, and says he will treat them as trespassers; if they should refuse to leave, is the owner of the land empowered to use as much force as is necessary to remove them; and, if so, will the Government, in order to prevent collisions between the policemen and the people, direct that, for the future, the evicting force shall go to the house to be evicted, by the ordinary road; and, is it a fact that the Sheriff and police have often forced their way through the lands of farmers who have objected?

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University), in reply, said, that the Sheriff was not under the control of the Law Officers of the Crown. No complaint of the police had hitherto been made on the subject; but if any case, in which it was alleged the police acted improperly, was brought under his notice, he would cause inquiries to be made into it.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN — THE ROYAL TITLES.

MR. HOWARD VINCENT (Sheffield, Central) asked the First Lord of the

Treasury, If Her Majesty's Government will consider, in connection with the forthcoming Jubilee rejoicings, and in concert with Colonial Governments, the desirability of advising the Crown to recognise the progress made during the 50 years of Her Majesty's reign by Canada, Australasia, South Africa, and many of the Colonies founded by the British people, by such further extension of the Royal titles as may place other portions of the Empire on an equality in this respect with Great Britain, Ireland, and India?

Mr. BADEN-POWELL (Liverpool, Kirkdale) also asked the First Lord of the Treasury, Whether any action had been taken in consequence of the agreement unanimously come to at the Colonial Conference that, subject to Her Majesty's pleasure, there should be an extension of the present title of Her Majesty, so as to include a distinct reference to the Colonies?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminister): My answer to this Question will also be an answer to a Question of which I have received private Notice from the hon. member for the Kirkdale Division of Liverpool. The Question of the hon. Member for Sheffield was brought under the consideration of the Colonial Delegates at the Conference; and after some discussion they expressed themselves in favour of an extension of title, which would include the Colonies by special and distinct reference. Upon receiving an intimation of the opinion of the Delegates, Her Majesty's Government instructed the Governors of the responsible Government Colonies to ascertain the views of their respective Ministers upon this question. To this inquiry full replies have not yet been received; and there seems some little difference of opinion on the subject. It will, however, receive careful consideration from Her Majesty's Government.

DOMINION OF CANADA—IMPORT DUTIES ON IRON.

Lord CLAUD HAMILTON (Liverpool, West Derby) asked the First Lord of the Treasury, Whether Her Majesty's Government have received any official information in regard to the proposals, as reported by cable, of the Dominion Government to increase the import duties on pig iron by 100 per cent, on bar iron by 150 per cent, and on puddled bars by 350 per cent; and, if these reports are correct, whether Her Majesty's Government will use their good offices with the Dominion Government to procure a modification of proposals, which, if carried into effect, would prove highly detrimental to the iron trade of this country?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminister): Her Majesty's Government have not received any official information in regard to any such proposals as these mentioned by my noble Friend; but the Government would not be justified in making any official representation on the subject to the Government of the Dominion, even if such information had been received. Any representations should be addressed to the Dominion Government by parties who may be affected by the fiscal policy of Canada.

BUSINESS OF THE HOUSE.

Mr. JOHN MORLEY (Newcastle-on-Tyne) asked the First Lord of the Treasury, What business the Government intended to take on Monday and Tuesday, and on Monday the 6th June?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminister): The Criminal Law Amendment (Ireland) Bill will be proceeded with on Monday. I will on Monday state what Business will be taken on June 6. On Tuesday there will be the usual Motion for Adjournment, and perhaps one or two small measures.

PUBLIC MEETINGS (IRELAND)—PROCLAMATION OF THE DUNGANNON MEETING.

Mr. DILLON (Mayo, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland a Question of which I gave him Notice yesterday, but which I was not in my place to ask. The Question is this—Whether the Government have proclaimed the anti-coercion meeting at Dungannon; and, if so, on what grounds; and perhaps the Chief Secretary would take this opportunity of stating to the House, as he promised to do, what the policy of the Government in Ireland is to be in reference to anti-coercion meetings?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): With regard to the meeting at Dungannon, it has been proclaimed. The ground for the Proclamation is that, in the opinion of those responsible for the peace of the district, the meeting could not be held without endangering the public safety. The reasons for that opinion will not surprise hon. Gentlemen, and it is that party feeling runs very high in the district. It was found that even if the second meeting were prohibited, the chance of disturbance would have been very great, as those who had intended to hold the second meeting would have attended the first meeting, with the probable result of great disturbance and loss of life. Under the circumstances, I am of opinion that the local magistrates did their duty in proclaiming both meetings.

MR. DILLON: The Chief Secretary promised, the other day, that the whole of this subject would be taken into the serious consideration of the Government; and I would ask him a further Question on this matter—Whether, in the first place, it is not now the deliberate and avowed policy in the Province of Ulster to call rival meetings in every instance where an anti-coercion meeting is called; whether, Sir, that policy was not previously adopted and put down by force by Earl Spencer; and, whether the Irish Government will not follow the policy adopted by Earl Spencer under precisely similar circumstances?

MR. A. J. BALFOUR: The Government propose to take any measures they think desirable and necessary to preserve the public peace; but I am perfectly ready to give a pledge that I will do what I can to frustrate any intention on the part of any party, whatever that party may be, in Ireland, to stop the right of public meeting by calling bogus meetings at the same place and on the same day.

MR. STOREY (Sunderland): I am very thankful to hear this declaration by the Chief Secretary. Will he show us that he means it in this very case at Dungannon by permitting the first meeting?

MR. SPEAKER: Order, order! The hon. Gentleman is not asking a Question.

MR. STOREY: Excuse me, I am asking a Question.

MR. SPEAKER: The hon. Gentleman is arguing the Question.

MR. STOREY: I will ask this Question. Will the right hon. Gentleman, in the case of Dungannon, or in the next similar case, allow the first meeting and prohibit the second, and put down the men who interfere with the first?

MR. A. J. BALFOUR: No, Sir; in any case similar to Dungannon I should act exactly as I have acted in that case. Hon. Gentlemen must allow me to follow the example of Earl Spencer in reserving full discretion to the Government. I have stated the general lines of policy that we shall pursue; and I think hon. Gentlemen must allow me to act on my own judgment.

MR. T. M. HEALY (Longford, N.): Is the right hon. Gentleman aware that in the case of the very Dungannon meeting in 1884 Earl Spencer allowed the Nationalist meeting to be held, although a rival meeting was held and addressed by Colonel King-Harman, who expressed his regret that the Nationalist meeting was protected and allowed to be held by Earl Spencer? I wish to ask him whether the Orange meeting attended by Colonel King-Harman, and the Nationalist meeting addressed by myself and others, went off without any breach of the peace whatever?

MR. A. J. BALFOUR: If the hon. and learned Gentleman is anxious to know what happened in 1884, and will give me Notice of the Question, either I or the Under Secretary will answer it. With regard to the inference he draws from the statement he makes, I must inform him that each case must be considered on its own merits; and the fact that a certain policy was right in 1884 is no proof, or even a presumption, that it is right in 1887.

WAR OFFICE—ORDNANCE DEPARTMENT—REPORT OF THE COMMISSION.

In reply to Sir WALTER B. BARTTELOT (Sussex, N.W.),

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) (Lincolnshire, Horncastle) said, the Report of the Commission would, in all probability, be circulated on Monday next.

MOTION.

—o—

PARLIAMENT — THE NEW RULES OF PROCEDURE (1882) — RULE 2. — ADJOURNMENT OF THE HOUSE.

ANNEXATIONS IN ZULULAND.

MOTION FOR ADJOURNMENT.

Mr. LABOUCHERE, Member for Northampton, rose in his place and asked leave to move the Adjournment of the House, for the purpose of discussing a definite matter of urgent public importance—namely, the recent Annexation of portions of the Zulu territory, without the consent or knowledge of this House.

The pleasure of the House not having been signified—

Mr. SPEAKER called on those Members who supported the Motion to rise in their places, and not less than 40 Members having accordingly risen :—

Mr. LABOUCHERE said, he was not surprised that so large a number of Members approved the course he had taken, because no man of independent mind could deny that this was a matter of urgent public importance, and because the news of this annexation had come upon the public unofficially through the newspapers, and with great suddenness and surprise, When he asked for a day to consider the subject, the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) stated that the Zulu Question might be discussed on the Colonial Estimates. But as the Government already had Supply to take them to July, he did not know when that could be, and the right hon. Gentleman might as well have offered them the Ides of March; and even when they had the opportunity the subject could only be raised by moving the reduction of the salary of the Secretary for the Colonies. Besides which the Chairman of Committees would probably rule out of Order a full discussion of the Question. He was, therefore, justified in bringing forward the Question at once and in the manner he had done. It must be admitted that our policy in South Africa had for many years been a most costly one. The wars that took place before the Transvaal difficulty arose had cost this country from £25,000,000 to £30,000,000 sterling, on which we had still to pay a large sum annually for interest. Since then the Transvaal and Zulu Wars and annexation had entailed a public expenditure of some £12,000,000 more. With reference to our relations with South Africa, and with Zululand in particular, from 1877 to the present year, he might remark that by the Zulu War and the measures by which it was immediately succeeded, we reduced a once flourishing nation to a state of almost absolute anarchy, and brought the people to a condition of starvation. Zebebu was a rival chief of Cetewayo. The right hon. Baronet the Member for the City of London (Sir Robert Fowler) laughs.

Sir ROBERT FOWLER (London): That is not the way to pronounce the name.

Mr. LABOUCHERE said, he did not pretend to pronounce these names correctly. He was not an Alderman of the City of London. His name was spelt Z-e-b-e-b-u, and he called that Zeb-ee-boo. Cetewayo was destroyed by Zebebu, who became master of Zululand. They were told by the right hon. Gentleman the Secretary of State for the Colonies (Sir Henry Holland) that Zululand had been practically annexed since 1879. But, if so, why was it that we had simply acted as arbitrators between the Zulus and the Boers in settling the frontier line of the new Republic? That did not look like an act of sovereignty. The real condition of things at the commencement of the present year was that one-third of Zululand belonged to us, about one-half of it was independent, and the rest of it had become the new Boer Republic. All that could be gathered of what had transpired since then was only to be found in the vague statements of newspaper correspondents, and in an answer of the right hon. Gentleman the Secretary of State for the Colonies, given on Tuesday last, in which he gave an account of how this annexation took place. The right hon. Gentleman said that on the 8th of February the chiefs were informed by Mr. Osborn that British protection, carrying with it the supreme authority of Her Majesty's Government, was to be extended to Eastern Zululand. Four days later, that was on the 12th of February, he telegraphed for information as to the feeling of the Zulus on the subject, and received an answer on the 14th, giving it as Mr. Osborn's opinion that the majority of the chiefs would gladly accede. On the 15th the right hon. Gentleman said he received a telegram to the same effect from Sir Arthur Havelock. Now, this only began on the 8th of February, and by the 16th Her Majesty's Government had decided to carry out this annexation. He did not know whether it was sprung upon the Zulus; but it seems to have been sprung upon Her Majesty's Government by Mr. Osborn, and still more had it been sprung upon the House by Her Majesty's Government. Speaking last night at a banquet given to Mr. John Robinson, Lord Onslow had said that the annexation was necessary to secure peace and quiet on the Northern Frontier of Natal, to prevent internecine war, by regulating the relations of the Boers with the Zulus, and to preserve the existence of the latter people. That was but the ordinary trash put forward by every Government that effected an annexation. The Conservatives in this respect were worse than the Liberals, but the Liberals were bad enough. But the right hon. Gentleman the Secretary for State perceived that a little more than that would be required by the House to explain this extraordinary annexation of territory. He therefore told the House, in answer to a Question, that the Zulus came under the permanent authority of Her Majesty's Government at the end of the war of 1879. He could not understand what was meant by the word "permanent." It was true that we occupied the country with troops, but afterwards withdrew and put up independent kinglets. It would be remembered that in 1880 the Natal Government was very anxious for the annexation, and there was a minute of Lord Wolseley's protesting against it. There was another point. Was this new Republic part of the British Empire? The Government did not in any way interfere when the Boers sought to establish their new Republic. Instead of stepping in and saying—"How has this been done?" they stepped in as arbitrators, and assisted in settling the frontier. The fact had to be faced that suddenly a huge territory as large as Ireland—[An hon. MEMBER: Not so large.]—well, say half as large—had been annexed, while Parliament had had no information, and there had been no discussion. They had had a very great experience of annexation in South Africa and elsewhere on the part of the Conservatives. They wanted to draw a trail over their conduct in Great Britain by some swagger abroad, so that they might say—"Look what a Government we are—we have increased the area of the British Empire." As he had said, there was no information on the subject forthcoming, and there had been no discussion, and they were told that perhaps there would be an opportunity of discussing it on the Colonial Estimates whenever they might come on. It was said in support of the annexation that it would prove a very remunerative speculation. The same thing was said of the annexation of Burmah. It was not known what Burmah had cost at present; but it must be a very wealthy country if it could afford an equivalent to that Bill. In all probability the Zulus hated us, and they would be very silly if they did not; for we had been a persistent curse to the country. The probability was that just as the Zulus objected to the Boers taking their country, so they objected to us doing the same, and anyone who went into their country to make war upon them or annex them was their enemy, and justly so. In fact, they wanted to be independent both of Boers and Englishmen. If Zululand were taken, Tongaland must also be taken. That was a very rich country, and he already saw a greedy look in the right hon. Gentleman's eye. But if we annexed the territory, what should we do with Amatongaland? and when we had swallowed up Zululand and Amatongaland, what should we do with Swaziland? He was perfectly certain that if we got meddling with Swaziland we should get into difficulties. In Africa they were reverting to the grand scheme of Lord Salisbury; they wanted annexation to this country, and they wanted unity, as it was called. He was not surprised that the English merchants connected with Southern Africa should be in favour of this annexation; they were always wanting this country to do something which would end in war, in order that a portion of the money should go into their pockets. They made their livings out of our small wars, and the very fact of their being in favour of the annexation was the best reason why they should be against it. He was opposed to all these Tory annexations. The Government professed to have shaken off their Jingo policy. He believed they were Jingoes still, and would remain Jingoes to the end of the chapter. He had moved the adjournment as a protest against this annexation. He believed a large number of hon. Members were of opinion that our policy in South Africa had been not only a most expensive one, but a most injurious one to the honour of the country. We were, without exception, the greatest robbers and marauders in regard to these annexations that had ever existed upon the face of the globe. If Russia took some little territory for the benefit of their frontier we said it was scandalous on the part of Russia. We were worse than other countries, because we were hypocrites also, for we plundered and always pretended that we did so for other people's good. Slave-owners said they took slaves from Africa for their benefit; but whether this annexation proved beneficial to the Zulus or not, he was certain it would be by no means beneficial to the British taxpayers, and, therefore, he thought they ought to protest from the very first against the Government recommencing that career of crime and annexation which distinguished them in 1878. He knew that in protesting against this annexation they would be told that they were obstructionists—[*Cries of* "Hear, hear!"] He thought so. Hon. Members opposite had such confidence in Her Majesty's Government as to allow them to do whatever they pleased without let, hindrance, or explanation. He perfectly understood their desire to coerce Ireland, but Ireland was not the only part of the British Empire. Hon. Members on the Opposition side, on the other hand, thought that on the present occasion they ought to take advantage of the Rule which allowed them to move the adjournment of the House, in order that the Minister might give some clear and definite explanation of what had been done.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Labouchere.*)

THE SECRETARY OF STATE FOR THE COLONIES (Sir HENRY HOLLAND) (Hampstead) said, he would in the first place enter a protest, which the hon. Member evidently expected would be entered, and which he (Sir Henry Holland) thought might most justly be entered against the course which the hon. Member had taken. He protested against this Motion for adjournment being made during the discussion of the Irish Criminal Procedure Bill, and solely for the purpose of delaying the discussion on that Bill. Entertaining that view, he should endeavour, as shortly as possible, to answer the argument put forward by the hon. Member. In the first place, he must remark that when the hon. Gentleman said this matter had been sprung upon the House, he must have carefully refrained from reading the Blue Book which was presented not long ago, and in which the question of the protection of Zululand and of its annexation was raised over and over again. To understand this question properly it was necessary to go back to the end of the war of 1879. At that time, Zululand came under the paramount authority of Her Majesty. She might, without doubt, have exercised that authority, and annexed the whole territory. That authority, although not fully exercised by us, had always existed, and had been fully recognized over and over again by the Zulus. It was recognized when we parcelled out Zululand among the Chiefs, and again when Cetewayo was restored. The conditions which specified that paramount authority were read out publicly when Cetewayo was restored to his monarchy. Cetewayo, ill-advised and ill-counselled, broke his pledges to Her Majesty's Government, fought Usibebu, was defeated and died. His son Dinizulu and the Usutu Chiefs then, in 1884, called in the Boers to assist them against Usibebu, and by the agreement of August, 1884, the Zulus practically ceded 4,234 square miles of country to the Boers, being a larger portion of land than is now recognized as the New Republic. Afterwards, the Chiefs became alarmed at the rapid encroachment of the Boers, which threatened their entire absorption, and they appealed to Her Majesty as the paramount authority to defend them. He would not take up the time of the House by reading the passages, but would refer them to pages 74 and 92 of [C. 4,645.] There were interviews with Sir Arthur Havelock in March and May, 1886, when in answer to appeals to save them from utter ruin the Chiefs were told that it was not possible to withhold recognition of the New Republic, but that Her Majesty's Government, although it was impossible to save all, or nearly all, for them, would endeavour to save as much they could. They then expressed their thanks, and said that, if the Government would take charge of them they would be taken care of, and freed from their troubles. The New Republic was recognized by Lord Granville in March, 1886, and Sir Arthur Havelock was then authorized to negotiate for a demarcation of boundary between the Republic and Eastern Zululand. He (Sir Henry Holland) found no fault with that policy of the late Government. On the contrary, he was inclined to think that it was the best policy in the interest of the Zulus. After some troublesome negotiations and troubles an agreement was signed on 22nd October, 1886, by which Commissioners were to be appointed to settle the Boundary. The Commission was composed of English, Boer, and Zulu Commissioners; but the latter did not attend. His presence might have been useful, but it was clearly not indispensable, as the Zulus had placed themselves in our hands. The demarcation was completed on the 25th of January, 1887, and although there was no doubt that some of the Zulu Chiefs had protested against the boundary agreed upon with the Boers, the ground of their protest was cut away from their feet by the fact that they had themselves invited in the Boers, and given them a much larger piece of territory than they had under this agreement and demarcation; and, also, because they had placed themselves unreservedly in the hands of Her Majesty's Government, and agreed to abide by what we did for them. Nor was there, in truth, any ground for complaint or protest. British Zululand will contain about 8,220 square miles—the Reserve Territory containing about 2,567 square miles, and Eastern Zululand 5,653 square miles—and this is irrespective of the St. Lucia Lake district, about 680 square miles. The area of the New Republic is 2,854 square miles, not much more than one-fourth of the total area. Again, by the agreement of August, 1884, the Zulus had practically ceded to the Boers some 4,234 square miles, and, therefore, the difference of 1,380 square miles had been secured to the Zulus by the intervention of Her Majesty's Government. On the 8th February, 1887, Mr. Osborn informed the Zulus that protection, carrying with it the supreme authority of Her Majesty's Government, was to be extended to Eastern Zululand, "and Chiefs and people therein." The question of protecting or annexing Zululand had for some time occupied the attention of Her Majesty's Government; and as far back as September, 1886, Mr. Stanhope had informed Sir Arthur Havelock that the question of a general protectorate over Zululand was reserved for consideration, and called upon him for his views on the proposal contained in his recent despatches for annexing that country to Natal. He (Sir Henry Holland) telegraphed to Sir Arthur Havelock on the 12th February to learn what was the then attitude of the Zulus, and whether there was any more general favourable feeling towards British protection. On the 14th he received a telegram in reply stating as follows:—

> "Views as to general favourable feelings of Zulus strengthened by subsequent information received. Cardew recently returned from Zululand expresses opinion that people are prepared to accept British Government. Osborn says only obstacle is opposition of Ndabuko, other Chiefs do not offer any opposition to; thinks that majority, inclusive of Umnyamana, will gladly accede. People will be specially glad of British rule."

And again on the 14th February he received another telegram containing the following words:—

> "Announcement received favourably by Umnyamana, who promised to send information to all headsmen thereof. Dinuzulu and Undabuko did not reply."

Then on the 15th he received another telegram, which showed that Dinuzulu, Undabuko, and other Chiefs had given a favourable answer. In these circumstances he approved of Mr. Osborn's action, but that approval was not given until it appeared from those best qualified to offer an opinion, that the Chiefs and people assented to British rule. The only point that then remained for the decision of the Government was whether we should exercise sovereignty and annex Zululand or only establish a protectorate. Both Sir Arthur Havelock and Mr. Osborn strongly advocated annexation, and there were strong and weighty reasons for annexation as against a protectorate. Under a protectorate Her Majesty had no power of legislation, and the Government had been advised that she could not, under the Foreign Jurisdiction Acts, 1843 to 1878—which define Her authority in foreign countries—obtain legal jurisdiction over foreigners without the consent of their Governments, although she might establish Courts for her own subjects, and, if so conceded by the authorities of the country, over persons actually subject to Her protection. Again, in a protectorate Her Majesty could not issue titles to land, a matter of importance in Zululand, where individual ownership is practically unknown. These difficulties were all felt in Bechuanaland. There we began with a protectorate, and it broke down as soon as ever Europeans of different nationalities came into the country, and like difficulties had been experienced in governing the Reserve as a protectorate. He believed the Government acted wisely in abandoning a protectorate in favour of annexation. The situation, from a financial point of view, was satisfactory. He had already shown, in an answer to the hon. Member for Caithness, that the management of the Reserve under Sir Arthur Havelock had been most successful; £1,500 out of £6,000 advanced out of the Imperial Treasury had been repaid, and Sir Arthur Havelock had a cash balance of £6,736. The Revenue of the Reserve for the current year was estimated at about £11,980, and the expenditure at £9,748, so that there would be a balance of about £2,200, in addition to the Reserve balance of £6,736. The increase in the cost of the administration of Zululand was calculated at about £6,000 a-year, and about £5,000 would be due this year. Looking to the disturbed state of the country, the struggles through which the Zulus had been going, and their impoverished condition, it had not been thought wise to levy a Native Hut Tax this year. It was proposed to take £5,000 from the balance of the Reserve and apply it to the purposes of the Government. It was calculated that in future years Hut Taxes, licenses, and imposts, such as were levied in the Reserve, would cover the expenses of administration. He felt that he had not done justice to the case, because he thought the question ought not to have been brought on now, and he had, therefore, contented himself with simply stating the view of the Government and the grounds for their decision. Her Majesty's Government had been throughout actuated by a desire to do the best for the Zulus, and to maintain not only their liberty, but as large a part as possible of their territory. The task had been full of difficulty, and he could not close his remarks without bearing testimony to the zeal, ability, and judgment displayed by Sir Arthur Havelock and Mr. Osborn in dealing with these difficult questions.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.) said, he entirely agreed with the action of the hon. Member for Northampton (Mr. Labouchere) in bringing this matter forward, and in his statement of facts, but he did not agree with the conclusion at which he had arrived. If we had to begin all over again it would be better to have nothing to do with Zululand. We committed a blunder and a crime in taking Zululand. But we had done these unfortunate persons so much injury that we were bound to do something for them. The hon. Member for Northampton had greatly exaggerated the geographical aspect of the question. The whole of Zululand was only about one-quarter of the area of Ireland. Whatever happened, he earnestly hoped that the country would not be treated like Basutoland, and handed over to Natal. The Zulus had a great deal to complain of in our having allowed the Boers to take part of their territory. The Boers were called in by discontented Zulus because they wanted to get possession of lands which did not belong to them. Having done them this wrong, it was the more incumbent on us not to hand the Zulus over to the tender mercies of the oligarchy in Natal. He would approve of the action of the Government if it would lead to a *bonâ fide* protectorate of the natives; but what he feared and apprehended was that the country would at a later period be handed over to Natal, which would be a most objectionable step, and it appeared to him to be contemplated as possible by the right hon. Baronet the Secretary of State for the Colonies. He again said, that if the Government would give them some pledge that they meant to administer this territory, and not leave it to a few Europeans in South Africa, then he thought the right thing had been done. If not, he believed an injustice would be done.

Mr. OSBORNE MORGAN (Denbighshire, E.) said, that his hon. Friend (Mr. Labouchere) had not adopted a very convenient mode of bringing that important question before the House; but, seeing how few opportunities the Session presented for doing so, he (Mr. Osborne Morgan) could hardly blame him for the course he had taken. As he had been Under Secretary of State for the Colony while the negotiations which culminated in this settlement were going on, he should be glad to be allowed to say a few words on the subject. It was but fair to his right hon. Friend the Secretary of State for the Colonies (Sir Henry Holland) to say that he had to make the best of a bad business. They must bear in mind that the Zulus, though a very brave people by nature, and once possessed of a splendid military organization, had like most semi-savage nations, utterly collapsed when conquered. They had lost not only their spirit of independence and self-reliance, but their very sense of nationality. He referred shortly to the events which had followed on the Zulu War, to which all the evils of the country were to be traced, and especially to the agreement of August, 1884, under which the Zulu Chiefs had practically ceded to the Boers nearly the whole of their territory. The existence of that agreement made it impossible for Lord Granville—whose views would be found expressed in the despatch of March 11, 1885—altogether to ignore the claims of the Boers. The present Secretary of State for the Colonies had, in fact, taken up the negotiations for a settlement of the question where the late Government left them, and after listening attentively to the explanation of the right hon. Gentleman he (Mr. Osborne Morgan) could not say that his statement was unsatisfactory. The settlement was, on the whole, more favourable to the Zulus than had been anticipated; nor could it be said that it had been sprung upon them. He was as much opposed to annexation as anyone; but, unfortunately, we had got ourselves so entangled in this matter that we must either throw the Zulus over entirely, in which case they would be "eaten up" by the Boers—who were a most voracious race—or we must take them in some way or other under our charge. Of the two, he preferred an annexation to a protectorate, which meant responsibility without control. The really important question was would this arrangement last? He was not afraid of the Zulus, who were utterly broken and dispirited; but he did fear the Boers, and he could only approve the settlement upon the understanding that every care would be taken to secure their loyal and scrupulous observance of the Treaty.

Dr. Clark and Mr. W. H. Smith rose at the same time to address the House——

Mr. SPEAKER called upon Mr. W. H. Smith——

Mr. W. H. SMITH: I claim, Sir, to move that the Question be now put. [*Loud cries of assent and dissent.*]

Mr. SPEAKER: Order, order! The Question is that the Question be now put.

Question put accordingly, "That the Question be now put."

The House *divided*:—Ayes 278; Noes 156: Majority 122.

AYES.

Agg-Gardner, J. T.
Ainslie, W. G.
Allsopp, hon. G.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Anstruther, H. T.
Ashmead-Bartlett, E.
Atkinson, H. J.
Baden-Powell, G. S.
Baggallay, E.
Bailey, Sir J. R.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Banes, Major G. E.
Baring, Viscount
Bartley, G. C. T.
Barttelot, Sir W. B.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beadel, W. J.
Beckett, E. W.
Beckett, W.
Bective, Earl of
Bentinck, rt. hn. G. C.
Bentinck, W. G. C.
Bethell, Commander G. R.
Bickford-Smith, W.
Biddulph, M.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Colonel H. B. H.
Bond, G. H.
Bonsor, H. C. O.
Boord, T. W.
Bridgeman, Col. hon. F. C.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Brooks, Sir W. C.
Brown, A. H.
Burdett-Coutts, W. L. Ash.-B.
Burghley, Lord
Caine, W. S.
Caldwell, J.
Campbell, J. A.
Campbell, R. F. F.
Chamberlain, rt. hn. J.
Chaplin, right hon. H.
Charrington, S.
Churchill, rt. hn. Lord R. H. S.
Clarke, Sir E. G.
Cochrane-Baillie, hon. C. W. A. N.
Coddington, W.
Colomb, Capt. J. C. R.
Commerell, Adml. Sir J. E.
Compton, F.
Cooke, C. W. R.
Corbett, J.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cozens-Hardy, H. H.
Cross, H. S.
Crossley, E.
Cubitt, right hon. G.
Currie, Sir D.
Curzon, Viscount

Curzon, hon. G. N.
Dalrymple, C.
Davenport, H. T.
De Worms, Baron H.
Dimsdale, Baron R.
Dorington, Sir J. E.
Dugdale, J. S.
Duncan, Colonel F.
Duncombe, A.
Dyke, right hon. Sir W. H.
Eaton, H. W.
Ebrington, Viscount
Edwards-Moss, T. C.
Egerton, hon. A. J. F.
Elcho, Lord
Elliot, hon. A. R. D.
Elliot, hon. H. F. H.
Elliot, G. W.
Elton, C. I.
Evelyn, W. J.
Ewart, W.
Ewing, Sir A. O.
Eyre, Colonel H.
Feilden, Lt.-Gen. R. J.
Fergusson, right hon. Sir J.
Fielden, T.
Finch, G. H.
Finlay, R. B.
Fisher, W. H.
Fitzgerald, R. U. P.
Fitzwilliam, hon. W. J. W.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Fraser, General C. C.
Fulton, J. F.
Gaskell, C. G. Milnes-
Gathorne-Hardy, hon. A. E.
Gathorne-Hardy, hon. J. S.
Gedge, S.
Gent-Davis, R.
Gibson, J. G.
Giles, A.
Gilliat, J. S.
Godson, A. F.
Goldsmid, Sir J.
Goldsworthy, Major-General W. T.
Goschen, rt. hn. G. J.
Gray, C. W.
Green, Sir E.
Greene, E.
Grimston, Viscount
Grotrian, F. B.
Grove, Sir T. F.
Gunter, Colonel R.
Hall, C.
Halsey, T. F.
Hamilton, right hon. Lord G. F.
Hamilton, Lord C. J.
Hamley, Gen. Sir E. B.
Hanbury, R. W.
Hardcastle, E.
Hardcastle, F.
Hartington, Marq. of
Havelock-Allan, Sir H. M.
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Heneage, right hon. E.
Herbert, hon. S.
Hill, right hon. Lord A. W.
Hill, Colonel E. S.
Hill, A. S.
Holland, right hon. Sir H. T.
Holmes, rt. hon. H.
Hornby, W. H.
Houldsworth, W. H.
Howard, J.
Howard, J. M.
Howorth, H. H.
Hozier, J. H. C.
Hubbard, E.
Hughes-Hallett, Col. F. C.
Hulse, E. H.
Hunt, F. S.
Hunter, Sir W. G.
Jackson, W. L.
Jennings, L. J.
Johnston, W.
Kelly, J. R.
Kennaway, Sir J. H.
Kenrick, W.
Kenyon, hon. G. T.
Kenyon-Slaney, Col. W.
Ker, R. W. B.
Kerans, F. H.
Kimber, H.
King, H. S.
King-Harman, right hon. Colonel E. R.
Knatchbull-Hugessen, H. T.
Knowles, L.
Lafone, A.
Lambert, C.
Lawrence, Sir J. J. T.
Lawrence, W. F.
Lea, T.
Lechmere, Sir E. A. H.
Leighton, S.
Lethbridge, Sir R.
Lewisham, right hon. Viscount
Llewellyn, E. H.
Long, W. H.
Low, M.
Lowther, hon. W.
Lowther, J. W.
Lubbock, Sir J.
Lymington, Viscount
Macartney, W. G. E.
Macdonald, right hon. J. H. A.
Maclean, J. M.
Maclure, J. W.
M'Calmont, Captain J.
M'Garel-Hogg, Sir J. M.
M'Lagan, P.
Malcolm, Col. J. W.
Mallock, R.
March, Earl of
Marriott, rt. hn. W. T.
Maskelyne, M. H. N. Story-
Matthews, rt. hn. H.
Maxwell, Sir H. E.
Mayne, Admiral R. C.
Milvain, T.
More, R. J.
Morgan, hon. F.
Morrison, W.
Mowbray, right hon. Sir J. R.
Mowbray, R. G. C.
Mulholland, H. L.
Murdoch, C. T.
Newark, Viscount
Noble, W.
Northcote, hon. H. S.
Norton, R.
O'Neill, hon. R. T.
Paget, Sir R. H.
Parker, C. S.
Parker, hon. F.
Pearce, W.
Pelly, Sir L.
Penton, Captain F. T.
Pitt-Lewis, G.
Plunket, right hon. D. R.
Plunkett, hon. J. W.
Powell, F. S.
Puleston, J. H.
Raikes, rt. hon. H. C.
Rankin, J.
Richardson, T.
Ritchie, rt. hn. C. T.
Robertson, J. P. B.
Robertson, W. T.
Ross, A. H.
Round, J.
Russell, T. W.
St. Aubyn, Sir J.
Salt, T.
Sclater-Booth, rt. hn. G.
Sellar, A. C.
Selwin-Ibbetson, rt. hon. Sir H. J.
Selwyn, Captain C. W.
Seton-Karr, H.
Shaw-Stewart, M. H.
Shirley, W. S.
Sidebotham, J. W.
Sidebottom, W.
Sinclair, W. P.
Smith, rt. hon. W. H.
Smith, A.
Spencer, J. E.
Stanhope, rt. hon. E.
Stanley, E. J.
Stewart, M. J.
Sutherland, T.
Sykes, C.
Talbot, J. G.
Taylor, F.
Temple, Sir R.
Thorburn, W.
Tomlinson, W. E. M.
Tottenham, A. L.
Trotter, H. J.
Tyler, Sir H. W.
Verdin, R.
Vincent, C. E. H.
Waring, Colonel T.
Watkin, Sir E. W.
Watson, J.
Webster, Sir R. E.
West, Colonel W. C.
Wharton, J. L.
Whitley, E.
Williams, J. Powell-
Wilson, Sir S.
Wodehouse, E. R.
Wood, N.
Wortley, C. B. Stuart-
Wright, H. S.
Wroughton, P.
Yerburgh, R. A.
Young, C. E. B.

TELLERS.

Douglas, A. Akers-
Walrond, Col. W. H.

NOES.

Abraham, W. (Glam.)
Abraham, W. (Limerick, W.)
Anderson, C. H.
Atherley-Jones, L.
Balfour, Sir G.
Barbour, W. B.
Barclay, J. W.
Barran, J.
Barry, J.
Beaumont, W. B.
Biggar, J. G.
Blake, T.
Blane, A.
Bolton, J. C.
Bradlaugh, C.
Bright, Jacob
Bright, W. L.
Broadhurst, H.
Brown, A. L.
Bruce, hon. R. P.
Buchanan, T. R.
Buxton, S. C.
Byrne, G. M.
Cameron, J. M.
Campbell, Sir G.
Campbell, H.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Cobb, H. P.
Coleridge, hon. B.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Corbet, W. J.
Cossham, H.
Cox, J. R.
Craig, J.
Crawford, W.
Cremer, W. R.
Crilly, D.
Dillon, J.
Dodds, J.
Ellis, J. E.
Ellis, T. E.
Esmonde, Sir T. H. G.

Esslemont, P.
Farquharson, Dr. R.
Finucane, J.
Flynn, J. C.
Foley, P. J.
Fox, Dr. J. F.
Fuller, G. P.
Gardner, H.
Gilhooly, J.
Gill, H. J.
Graham, R. C.
Gully, W. C.
Harrington, E.
Harris, M.
Hayden, L. P.
Healy, M.
Healy, T. M.
Holden, I.
Hooper, J.
Howell, G.
Hunter, W. A.
Illingworth, A.
Jacoby, J. A.
James, C. H.
Joicey, J.
Jordan, J.
Kennedy, E. J.
Kenny, C. S.
Kenny, J. E.
Kenny, M. J.
Lacaita, C. C.
Lalor, R.
Lawson, Sir W.
Leahy, J.
Lewis, T. P.
Macdonald, W. A.
M'Arthur, A.
M'Cartan, M.
M'Donald, P.
M'Donald, Dr. R.
M'Ewan, W.
M'Kenna, Sir J. N.
M'Laren, W. S. B.
Marum, E. M.
Montagu, S.
Morgan, O. V.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Connor, A.
O'Connor, J. (Tippry.)
O'Connor, T. P.
O'Hanlon, T.
O'Hea, P.
O'Kelly, J.

Palmer, Sir C. M.
Paulton, J. M.
Pease, Sir J. W.
Pickersgill, E. H.
Picton, J. A.
Pinkerton, J.
Powell, W. R. H.
Power, P. J.
Power, R.
Price, T. P.
Priestley, B.
Pyne, J. D.
Rathbone, W.
Redmond, W. H. K.
Reed, Sir E. J.
Richard, H.
Roberts, J.
Robertson, E.
Roe, T.
Rowlands, J.
Rowlands, W. B.
Rowntree, J.
Schwann, C. E.
Sexton, T.
Shaw, T.
Sheehan, J. D.
Sheehy, D.
Sheil, E.
Stack, J.
Stevenson, F. S.
Storey, S.
Stuart, J.
Sullivan, D.
Sullivan, T. D.
Summers, W.
Swinburne, Sir J.
Thomas, A.
Tuite, J.
Vivian, Sir H. H.
Wallace, R.
Wardle, H.
Warmington, C. M.
Will, J. S.
Williams, A. J.
Williamson, J.
Williamson, S.
Wilson, H. J.
Wilson, I.
Winterbotham, A. B.
Woodall, W.
Wright, C.
Yeo, F. A.

TELLERS.
Clark, Dr. G. B.
Labouchere, H.

Question put, "That this House do now adjourn."

The House *divided*:—Ayes 142; Noes 280: Majority 138.—(Div. List, No. 158.)

Dr. CLARK (Caithness): I beg to give Notice, Sir, that on as early an opportunity as possible I will call the attention of the House to your action and the action of the Leader of the House in proposing the closure on this occasion, and move a Resolution.

ORDERS OF THE DAY.

—o—

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[Bill 217.]

(*Mr. Arthur Balfour, Mr. Secretary Matthews, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 18th May.*]

[TENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

SUMMARY JURISDICTION.

Clause 2 (Extension of summary jurisdiction).

Mr. MAURICE HEALY (Cork): I have to move as an Amendment after the word "shall," in the first line of the sub-section, the words "wilfully and knowingly." I am compelled to move this Amendment owing to the peculiar form in which the Government have worded their clause. They appear desirous of creating new crimes which have never before been heard of. We know very well what the crime of conspiracy is, and in the enactments dealing with that crime the offence has been specifically named. But for the purposes of this Act the Government describe the offence not as "conspiracy," but as taking part in any criminal conspiracy. The point I wish to make is—that no man can criminally conspire without being guilty of conspiracy, but that any man may innocently take part in a criminal conspiracy, and it is to protect a person in that position, who may be affected by the peculiar phraseology of the clause, that I move this Amendment. I do not know what attitude the Government may be disposed to assume towards it; but I presume they are not anxious to commit anybody under the clause unless he has been guilty of some offence. If a man participates in a criminal conspiracy, no doubt he ought to be punished; but there are a number of acts which a man may do innocently, but which would, nevertheless, make him liable under this clause. For instance, let me suppose that one of the overt acts of conspiracy was the holding of a meeting, and that the conveners of the meeting employed a bill-poster who was utterly innocent, who did not know what the meeting was called for, and who might even be unable to read the placard. As the Bill stands, the posting of the placard convening the meeting may be held to be an overt act of conspiracy, and the bill-poster would have rendered himself liable to punishment under the peculiar phraseology of this section, which punishes a man not for conspiring, but for taking part knowingly or not in a criminal conspiracy. I trust the Government will see that, as the clause is drawn at present, there is a distinct difficulty which ought to be removed in some way or other.

Amendment proposed, in page 2, line 17, after the word "shall," to insert the words "wilfully and knowingly."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): As far as I understand the words proposed by the hon. Member, they would neither add clearness to the wording of the Bill, nor improve its substance. In those circumstances, and according to the canon I laid down yesterday, it is impossible for the Government to accept the Amendment.

MR. MAURICE HEALY: I protest against this mode of dealing with an Amendment on the part of the right hon. Gentleman. He will not even condescend to give us his reasons for refusing the Amendment. We have seen some strange proceedings already this evening; but the right hon. Gentleman is presuming a little too far. I ask, and I ask respectfully, that we shall have some reasons given to us for any decision the Government come to. We cannot be expected to be content with the simple declaration of a Minister that he will not accept the Amendments we put forward. I protest against the attitude the right hon. Gentleman has assumed, and I ask him to observe the ordinary courtesy of giving the reasons of the Government for not accepting an Amendment.

MR. A. J. BALFOUR: I meant no discourtesy, and with due respect to the hon. Member, I did give a reason. I said the reason why we refuse the Amendment is that according as I read the words they neither make the Bill clearer nor in any way better.

MR. T. M. HEALY (Longford, N.): Does the right hon. Gentleman think he has added to his former statement?

MR. A. J. BALFOUR: No; I do not.

MR. T. M. HEALY: Then, if he has added nothing to his former statement, he has been wasting the time of the Committee. There is such a thing as tedious and irrelevant repetition, Mr. Courtney, and when that is committed by a Minister it becomes specially offensive. I will tell the right hon. Gentleman this—that if the Government suppose they will shorten the discussion by giving such answers, they are greatly mistaken. A reply by the Government having been refused, I beg to move, Mr. Courtney, that you do report Progress and ask leave to sit again.

Motion made and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." —(*Mr. T. M. Healy.*)

Question put.

The Committee *divided*:—Ayes 114; Noes 253: Majority 139.—(Div. List, No. 159.)

Original Question again proposed.

MR. T. M. HEALY: I maintain that the Government ought to provide some safeguard for innocent persons, and not leave the matter to the Resident Magistrates. Language so vague as this section, as it now stands, has never been employed in an Act of Parliament. The terms of the Amendment, however, are the common phraseology of an Act of Parliament, so that the Irish Chief Secretary is altogether mistaken when he says that the Amendment will not improve the clause. It improves it in a most distinct manner. Take the case of a carman, who has driven persons to a meeting. The persons who are on the car may be attending the meeting for the purpose of taking part in a so-called criminal conspiracy, which the Lord Lieutenant has proclaimed. An election may be going on, or it may be a National League meeting that is about to be held; but the carman will have taken these men on his car quite innocently. Nevertheless, under this clause, he may be proceeded against for having taken part in a criminal conspiracy. Then, again, take the case of a man who has addressed envelopes. There may be to-morrow, in the City of London, men addressing envelopes by the thousand, but the contents of the letters enclosed in such envelopes may be altogether unknown to those who address them, and yet the mere fact of addressing them may involve a criminal conspiracy. In this case we throw the burden of proof on the individual. If this were an English Bill, it would be said that this is a very grave and important matter, and that a conspirator so-called should act with knowledge. The Bill does not say that any criminal conspirator should be punished, nor does it deal with a conspiracy; but it uses a much wider net, and says that "any person who takes part in a criminal conspiracy"—a vague term, never used hitherto in an Act of Parliament—shall be punishable under the clause. We are, therefore, driven to ask that it shall be "any person who knowingly takes part in a criminal conspiracy." We think the Government are bound to employ some saving phrase in the case of these men. The Chief Secretary refuses even to put in the words "criminally conspires," which would be a sufficient safeguard, because even the most far-reaching Resident Magistrate would not be able to say that the mere fact of driving a man upon a car was proof that the carman had criminally conspired. Let me give, as an illustration, what actually did take place in the County of Kerry a short time ago. A carman was unfortunately engaged to drive some men who were drunk, or rather, he gave them what is called a "lift." One of them fired off a revolver for mere swagger—a practice which the hon. Member for South Belfast (Mr. Johnston) is, no doubt, very familiar with in the region he represents. The police not only arrested the unfortunate driver of the car, but kept him in gaol for four months, when a *nolle prosequi* was entered, and the case was laughed out of Court. There was no pretence for saying that the car driver had anything to do with the transaction; yet he was detained in prison for four months, without bail, the Court of Queen's Bench having refused bail simply because he happened to be driving a man on a car who committed an indiscreet act. I wish the Committee to bear in mind that this was done under the ordinary law, which is not nearly so harsh as the provisions of the present Bill. We have no desire that persons who are guilty should not be brought within the meshes of the law; but we remember the old proverb, "That it is better that ninety-nine guilty men should escape than that one innocent man should suffer." The very reverse of that proposition is provided in this sub-section. It says virtually that ten men may be guilty of a criminal conspiracy, and 1,000 may take part in it innocently, but that all ought to suffer alike. I have pointed out that in this case the Court of Queen's Bench refused bail, and yet in the end the case was never brought to trial at all, but a *nolle prosequi* was taken. When you were discussing the English Law as it affects English Trades Unions, and persons who may conspire together in that way, you took very good care to provide that those who were to be punished should have taken part wilfully and knowingly in the conspiracy.

MR. O'DOHERTY (Donegal, N.): The words which my hon. Friend (Mr. Maurice Healy) proposes to insert very frequently occur in Acts of Parliament which deal with crime. I think this clause undoubtedly requires it to be specified that before a person can be punished for taking part in a criminal conspiracy, he should wilfully and knowingly have participated in it. In offences proceeded against under the Excise Acts, it is always necessary to prove that the offender wilfully and knowingly broke the law, before any penalties can be recovered, and in that case proof is exceedingly difficult, because questions of law and fact are inextricably mixed up. The highest lawyers have held that persons may take part in a conspiracy, and yet be perfectly innocent of conspiring. How, then, is an Irish peasant to determine for himself whether any combination he may enter into is to be raised up to the standard of a conspiracy or not? Surely that would depend on his knowledge of the facts and the means to be employed, together with an accurate knowledge of the object to be attained. The means might be the means of rendering a combination criminal, or the object to be attained might import criminality into it. Under those circumstances, whether the Government accept the words proposed by the hon. Member, or the words which appear on the Paper lower down, "knowing the same to be criminal," I maintain that the clause should not be allowed to stand as it does. I cannot see that the acceptance of the Amendment, in drawing a distinction between what is criminal and what is not criminal, can in any way injure the efficiency of the Bill. Certainly some words of this kind are needed in order to protect an innocent person. Men may enter into a conspiracy to secure what they believe to be a laudable object; but means may be resorted to afterwards which may render the conspiracy criminal, but which were totally unknown to these men at the time they joined it. I think it ought to be made perfectly plain to the Resident Magistrate that the person brought before him knew that the conspiracy in which he had been engaged was criminal, and this Amendment would enable even a Resident Magistrate to discriminate between an innocent and a criminal conspiracy. I think the Committee will do well to press on the Government the necessity of importing some words into the clause—I do not say the exact words proposed here—so that persons who may enter into combinations quite as innocent as trade combinations, may not find themselves afterwards within the meshes of the law.

MR. EDWARD HARRINGTON (Kerry, W.): In framing the Bill the Government have put in words where they ought not to be, and have left them out where they ought to be. If they will look at Sub-section 2, they will find the words are—

> "Any person who shall wrongfully and without legal authority use violence or intimidation;"

and further on—

> "To cause any person or persons either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do; or to or towards any person or persons in consequence either of his or their having done any act which he or they had a legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing."

Now, if a person has a legal right to abstain from doing an act, no person has a legal right to compel him to do it. Therefore, the words of the Government in this case are altogether superfluous. What we require in the clause is protection for those who have no intention or desire to break the law. We know that any person who takes part in a riotous assembly, for instance, is responsible for the acts committed by any individual in that assembly; but, in that case, the person taking part must do so knowingly; because the Riot Act will have been read first as a warning. I do not know the legal meaning to be attached to these words; but, to my mind, it seems to be a plain, common-sense matter, to provide that no man shall be punished for anything he has not wilfully or knowingly done. For instance, the man may not have thoroughly understood the full extent of his act when he entered into the so-called conspiracy; he may have been merely performing a perfunctory part in connection with such conspiracy, such as writing letters, or driving a man to a meeting. I think the Government ought not to punish such persons. If they intend to do so, they ought at least to get up and tell us what their object is. From their present silence we can only conclude that they intend to make an indiscriminate use of the Act in regard to the innocent and the guilty alike.

MR. COLERIDGE (Sheffield, Attercliffe): I think we ought to have from the Government an indication of what they mean by the words "who shall take part in any criminal conspiracy." Do the Government mean, or not, that it shall be the same as if it read "any person who shall conspire?" If so, those words are much higher, very much more simple, and very much more clear to the unlearned understanding. If the words do mean "any person who shall conspire to compel or induce any person or persons either not to fulfil his or their obligations," &c., let them say so, and put the language as briefly and plainly as they can. But if they mean something more, and wish to bring within the meshes of this clause something above and beyond criminal conspiracy by introducing words which seem to be much wider than the mere inclusions of persons who are conspiring—namely, "persons who shall take part in any criminal conspiracy," I think the Government should tell us why they use these words, and what their object is. If their object is to bring persons within the meshes of the Criminal Law, who are naturally not conspirators themselves, then I ask them to say what sort of persons they mean to get at. I am sure any lawyer would say that the addition of the words "wilfully or knowingly," to the word "conspire" would be surplusage; but if they were surplusage, they would do no harm. It must not be forgotten that the provisions of this measure are not to be interpreted by lawyers, but that the Act is to be administered by persons who are not lawyers *primâ facie*, and have not had experience in construing Acts of Parliament. I think the Government may reasonably say, whether or not they mean in this first sub-section "any person who shall conspire" or something further and beyond that, and if so, what is it they mean by the words "any person who shall take part in a criminal conspiracy."

Mr. CHANCE (Kilkenny, S.): I do not think that these three words "wilfully and knowingly," are by any means surplusage, but they point out very clearly what the meaning of the provision is. Undoubtedly, there are in conspiracies acts which may be done without being punishable as criminal A and B may conspire together to do a certain thing which, if done by A separately, or by B separately would be perfectly lawful, and which only becomes a conspiracy when it is done by two or more persons. The offence is in the agreement, and not in the act. The Government propose to take a number of acts which are in themselves innocent, and make them crimes. In point of fact, they are making a new crime of certain things which are perfectly innocent as the law now stands, and at least they ought to insert words in the clause to require that an Act which is now innocent shall, if it is to be made criminal, have been done "wilfully and knowingly." The magistrate should have power to say—"This is an act which in itself is a perfectly innocent act, and it is desirable that I should have evidence that the person who did it did it knowingly and wilfully in furtherance of a conspiracy. Unless that is proved, I do not see how I am to commit him." I know the Government do not intend that, but that they wish to catch any person who takes part in any conspiracy. Let me put a case which may be considered far-fetched, but which is perfectly possible. I remember a case in which a Resident Magistrate sent a boy of 12 to gaol for a month, because he whistled at a policeman in Limerick. Suppose a cabman drives Mr. William O'Brien from a railway station on the Great Western Railway in Ireland, is it to be held that that cabman has taken part in any conspiracy in which Mr. William O'Brien may have been engaged? [Mr. T. M. Healy: Or the engine driver.] Yes, or the engine driver. If you add these words "wilfully and knowingly" the person accused would be able to say—"I did not know that Mr. William O'Brien was going down to the place to which I drove him for the purpose of instituting the Plan of Campaign." As the clause now stands, all the Resident Magistrate would say is this—"What I want to know is, whether you took part in the matter. Your guilty knowledge is nothing to me, and therefore you must go to prison for six months." I defy any lawyer sitting on the Treasury Bench to point to any code of law, whether European, or Indian, or even Chinese, which establishes such an offence as taking part in a criminal conspiracy. The whole thing is a farrago of nonsense in order to enable the Resident Magistrate to do anything he likes.

Mr. ARTHUR O'CONNOR (Donegal, E.): I must express my astonishment at the reiterated answer on the part of the Government, that these words will not improve the clause. I do not think that they can be regarded as mere surplusage. If they are, how is it that you find them used so frequently in the English Acts? I may point out that in the Act of 1875, dealing with contracts of service between masters and workmen, the words are "wilfully and maliciously breaking a contract of service, or breaking a contract involving injury to person and property." In the fifth section of that Act, the words are any person who shall "wilfully and maliciously break a contract." Why should that be proper in an Act relating to England, and be pure surplusage and altogether useless in a Bill which is to apply to Ireland? Why should words be reasonable in one Act, and unreasonable in another? With regard to our present proceedings, we are engaged in making criminal now that which has not been criminal before. It is a well-established rule that in taking proceedings against a man for crime, the offence he is accused of should be exhaustibly set forth in full detail, and there is nothing more common than to say that a thing has been done wilfully. Here you propose that a man is to be held guilty of criminal conduct when you admit, by implication at least, that you are not prepared to prove that his intent was criminal. Let me take this case, in order to enable tenants to get rid of their cattle before they could be seized by their landlords. Men have been employed in posting notices announcing the fact that a fair or auction for the sale of cattle would be held at a particular place, on a particular day. That sale is held for the express purpose of enabling the tenants to defeat the object of the landlord. Under this section, as it is at present worded, every innocent bill poster who posts the notice may be held to have taken part in a criminal conspiracy, and, not only so, but every newspaper which advertises the sale, or the book-stalls of W. H. Smith and Co., who sell the newspapers in which such advertisement appears—all of them, under this clause, may be held to have taken part in a criminal conspiracy. Under these circumstances, having regard to the great laxity of language in which the section is drafted, and the extremely harsh and cruel character of the section itself, I think it is not unreasonable to ask the Government, at any rate, so to modify the wording of the section that no one shall be liable to be sent to prison for six months' hard labour against whom it has not been clearly established that he was not only guilty of the act imputed to him, but that he did it with a guilty knowledge.

Sir CHARLES RUSSELL (Hackney, S.): A suggestion has been made by the hon. and learned Member for the Attercliffe Division of Sheffield (Mr. Coleridge) to substitute the words "shall conspire." I have an Amendment lower down on the Paper to leave out "take part in any criminal conspiracy," and to insert "conspire by violence or intimidation." I quite agree with my hon. and learned Friend that if the word used is "conspire," then the words "knowingly and wilfully" would be surplusage. I do not intend to say that they may not be surplusage as they stand; but, certainly, they would get rid of any ambiguity which might be entertained in regard to the meaning of the section in its present shape. I think it would be much more intelligible to say "shall conspire" instead of saying "any person who shall take part in a criminal conspiracy." Those are words which, as far as I am aware, do not occur in any other Act of Parliament. I think the Committee would be satisfied if the Chief Secretary to the Lord Lieutenant would say that he will omit the words "take part in a criminal conspiracy" in order to adopt the words "shall conspire."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): That is a matter which will come on later in a subsequent Amendment. I have already put down an Amendment myself to provide that the criminal conspiracy shall be one now punishable by law. I cannot regard the words which have been proposed as anything but surplusage, if attached to the words in the clause "take part in a criminal conspiracy," or to the word "conspire," which it is proposed to substitute. The hon. Member for East Donegal (Mr. Arthur O'Connor) has referred to an Act of Parliament passed in 1875, in which the words "wilfully and maliciously" occur, and he asks why they do not occur here. He seems to forget that that Act dealt with contracts, and the essence of the offence in that case is that the contract should be "wilfully and maliciously broken" or otherwise the breaking would be quite innocent. [Mr. T. M. Healy: That is exactly our case here.] By using the words "criminal conspiracy" you are referring to a thing which, in the very nature of it, must have been done "wilfully and knowingly," and, therefore, the addition of these words would be mere surplusage, and even worse than surplusage, because they might introduce an element of doubt.

Mr. T. M. HEALY: I can congratulate the right hon. and learned Gentleman on being, at all events, able to argue the matter; because that was not the course taken by the Chief Secretary, and every Amendment proposed on any subject whatever may be met by saying it does not make the matter more clear or better. I wish to point out to the right hon. and learned Gentleman that his argument exactly makes out our case, because he says the words "wilfully and maliciously" have been applied to the breaking of a contract. Surely a contract and an agreement are very much the same thing. Why is a man to be a conspirator in the case of breaking an agreement, and not to be a conspirator if he takes part in the breaking of a contract? Why in the one case should you insist that it must be done "wilfully and maliciously," and not in the other? Therefore, the argument of the right hon. and learned Gentleman triumphantly substantiates our case for the Amendment. We only ask the Government to follow the precedent stated in the Act of 1875, introduced by an eminent Conservative authority from his own point of view—Sir Richard Cross. The right hon. and learned Gentleman has accurately stated the purport of that Act. The words "wilfully and maliciously" occur both in the 4th and 5th clauses of the Act. The 4th section runs in this way—

> "Any person who wilfully and maliciously breaks a contract of service, knowing the consequences of breaking it."

That is exactly our case. Am I to be told that a man can break a contract without knowing it? Section 5 says—"Where any person maliciously and wilfully breaks a contract." That Act was passed in 1875. I do not see any Gentlemen now present on the Treasury Bench who assisted in passing that Act; but there are Gentlemen on that Bench who took part in amending it, and who considered that it was for the interests of the British artizans to insert the words "wilfully and maliciously." Why, then, should we not follow that precedent, and take good Conservative words—some good Primrose language? I fail to see what objection can be taken to them, and especially by the Conservative Party, under the circumstances. I think it is a little too bad for the Conservative Irish Chief Secretary to say that the words of his own Statute do not make the matter more clear.

Mr. A. COHEN (Southwark, W.): According to the highest authorities, conspiracy is nothing else than a criminal agreement. The Attorney General for England will assent to that. Then how can you speak of taking part in an agreement? Is not that an absurdity? You can be parties to an agreement; but it is absurd to talk of taking part in an agreement.

Mr. MAURICE HEALY: I wish to emphasize the fact that I have been compelled to draw up and move this Amendment by the use, on the part of the Government, of language of a novel and untechnical character. When you use language in a Bill which is not in accordance with the rules of grammar, you tell us it is technical language that is clearly understood. Now, I maintain that if the crime is murder, you should say murder; if it is arson, you should say arson—and not taking part in murder, or taking part in arson. In the 4th section, there are some half-a-dozen crimes described in proper and technical language—namely,

> "Murder or manslaughter; attempt to murder; aggravated crime of violence against the person; arson by statute or common law; breaking into, firing at or into, or otherwise assaulting or injuring a dwelling-house."

I fail to see why, in this section, the Government should have departed from the use of ordinary and well-established legal language, and say that the words I propose to insert are surplusage. Now, I think it would have been surplusage if I had used the word "conspire," because every lawyer knows that to conspire implies "wilfully and knowingly." The Government have gone out of their way in using words of a novel character—namely, "any person who shall take part in a criminal conspiracy;" and I think we are compelled to step in and see that words so wide in their character are not to be wrested from the meaning it is intended by the Government they should bear. I consider that this is an important Amendment, and that it is not surplusage.

Mr. DILLON (Mayo, E.): I must say that the silence of the Government is exceedingly ominous. The hon. and learned Member for Southwark (Mr. A. Cohen) has pointed out the extraordinary character of these words, and, as the Government remain silent, we are naturally led to suppose that they have some purpose in retaining words so peculiar, and that they will not condescend to give any expression of their views to the Committee. The words are—"any person who shall take part in a criminal conspiracy;" and as the hon. and learned Member for Southwark has pointed out, those words are simply absurd, unless it is intended to use the clause in an operative way, and in some way which would not have been possible if ordinary language had been used. Let me give this illustration. The Parliamentary Party to which I belong consists of 86 Members. If one of us were brought up, and the charge were brought home to him of having taken part in a criminal conspiracy, every one of those 86 Members of the Irish Party would be liable to prosecution; and so those who have voted with us would be held to be parties to everything that has been going on in Ireland. There is another matter which occurs to my mind—namely, the fact that everybody connected with a newspaper who may advertise a sale of stock in Ireland under the Plan of Campaign, any person engaged in printing or selling that newspaper, or in working the press in the office, may be held to have taken part in a criminal conspiracy. All we want is that the Government should confine the clause to those who may be actually engaged in a conspiracy. Before we proceed to a Division, I hope I may be allowed to say that the Government are themselves to blame for the length to which this discussion has extended. The discussion of the Amendment has taken quite three times the length it would have taken if the Government had met us, in the first instance, with ordinary courtesy.

Original Question put.

The Committee *divided*:—Ayes 114; Noes 155: Majority 41.—(Div. List, No. 160.)

MR. CHANCE: An Amendment in my name stands next on the Paper; but I do not feel inclined to stand in the way of the hon. and learned Member for South Hackney (Sir Charles Russell), and, therefore, I will not move it.

SIR CHARLES RUSSELL (Hackney, S.): In rising to move that the words "take part in any criminal conspiracy" be omitted, for the purpose of inserting the words "conspire by violence or intimidation," I trust the right hon. Gentleman the Chief Secretary for Ireland will be good enough to apply his mind to the reasons I am about to give in favour of the Amendment. I fully recognize the position in which the matter now stands—namely, that certain points have been determined by the Committee in the Votes which have already been taken on this part of the Bill. I am, of course, ready to recognize the fact that the Committee have settled that the inquiry into offences in Section 2 is to take place under Section 1; and also, that on the Amendment of my right hon. Friend the Member for Bradford (Mr. Shaw Lefevre) it was decided yesterday, that conspiracy is one of the offences and crimes in regard to which summary jurisdiction may be exercised by the Resident Magistrates. Fully bearing that in mind, I believe that my Amendment is quite in harmony with the decisions which have been arrived at. Considering who the magistrates will be by whom the Bill will have to be administered when it becomes law, it is necessary, for their guidance, to lay down clearly and distinctly, that the conspiracy with which they will have to deal is one of a defined criminal character. I think it is impossible—and I say so with all deference to my hon. and learned Friends on the other side of the Table—it is impossible to defend this clause as it now stands. The first observation I make upon it is, although the discussion has to some extent been anticipated—and I shall avoid as far as I can repeating it—these words—"take part in a criminal conspiracy," are not words, as far as I know, which can be found in any Statute. In dealing with a criminal question, I think we are entitled to know—and the reasonableness of the demand will be recognized—what the Government mean by these words, "take part in a criminal conspiracy," and why they have departed from the use of the usual language in such cases—namely, "shall conspire." In other words, we are entitled to know what is meant to be covered by the words, "take part in a criminal conspiracy," which would not be covered by the words "shall conspire," and if anything is left to be covered by the words "take part in a criminal conspiracy" which would not be covered by the words "shall conspire." Why have they adopted these unusual words? It is not at all an exaggeration to say that undoubtedly these words, "take part in a criminal conspiracy," may, in their construction, be stretched beyond what the Government honestly desire in the legitimate administration of the Act. Is it intended by the use of these unusual words to include not only the offences directly dealt with under this section, but something which does not amount to conspiracy? If the man who "takes part in a criminal conspiracy" is to be the conspirator who conspires, why not say that the section is to apply to persons who "shall conspire." Cases have already been pointed out, and they may be multiplied indefinitely, in which by the use of this language, persons may be said to have taken part in a conspiracy, although in no sense have they really been conspirators. Let me assume a combination among tenants to pay a reduced rent, and that the persons who are combining hold a meeting, and the proceedings at such meeting are reported in the columns of the newspapers. Is it to be said that reporting the meeting is "taking part in a criminal conspiracy," so as to make the newspaper proprietor an accomplice in a conspiracy under this clause. Is it to be said that anybody who takes part in anything which may lead up to a conspiracy is necessarily a conspirator? It is essential that there should be no ambiguity on this point, and we are entitled to have a clear explanation from the Government of the reason which has induced them to depart from the usual language of an Act of Parliament. To illustrate what I mean, let me refer the Committee to the 5th sub-section of this clause—

> "Any person who, by words or acts, shall incite, solicit, encourage, or persuade any other person to commit any of the offences hereinbefore mentioned."

So that under that sub-section any person who might incite, solicit, encourage, or persuade, A and B to take part in a criminal conspiracy with C and D, to compel or induce the rest of the letters of the alphabet to do any of the offences mentioned in the Act would be a criminal offender. It is absolutely necessary, if there is to be any real safeguard for the working of the Act, that the words should be much more closely drawn, and the offences proposed to be dealt with more clearly defined than is the case in the clause as it now stands. I wish, however, to make my position clear upon another ground. The Home Secretary, speaking in the debate on the 12th of April, said—

> "This Bill is not directed at combinations among tenants to pay only a reduced rent, provided they do not have recourse to violence or unlawful means."—(3 *Hansard*, [313] 784.);

and later he interrupted the right hon. Member for Halifax (Mr. Stansfeld), and said—

> "Any combination of tenants in which they agree between themselves to pay a lower rent, without using any means of coercion on the landlord, would be a lawful, and not a criminal combination."—(*Ibid*, 798.)

If the Government really means that these combinations are only criminal when criminal means are used they ought to alter the first line of this sub-section, so as to put the matter beyond doubt. Having called attention to the language of the Home Secretary, let me refer also to a letter written by Lord Bramwell to one of the newspapers, in which he declares that it is not conspiracy for tenants to agree to act together; that there is no such crime as inciting to do a lawful, and not an illegal act. Yet this Bill is making it a crime to solicit anyone to do what is admitted not to be unlawful in itself. We have had long and learned discussions on the Law of Conspiracy, and I think the conclusion to be derived from those discussions is, that the Law of Conspiracy which exists in this country is of an exceedingly vague and indefinite character. It is hardly too much to say that at one time, according to the current of judicial opinion, anything might have been called a criminal conspiracy which any Judge chose to regard as morally, socially, or politically wrong. The safeguard was that it did not depend upon the Judge to determine whether or not there was guilt under a charge of conspiracy, because in the administration of the Law of Conspiracy the functions of the jury always came in as a protection and a defence against Judge-made law on the subject. But that is a protection and a defence which the Government, by their present scheme, are taking away, and they are leaving the Law of Conspiracy, admittedly vague, to be dealt with by a tribunal in which we have had ample proof, in the course of this discussion, no great amount of faith can be reposed, and which will be drawn mainly from a class adverse to the class against which the provisions of the Bill are to be directed, and a class of men who have no right to be considered lawyers equal to the task of discriminating nice questions of law. Therefore, we ought to make the law clear and plain, and that is the object of the Amendment I am about to propose. It is no answer to my Amendment for the Government to say that they do not propose in this Bill to codify the Law of Conspiracy. I do not ask them to codify the Law of Conspiracy; I leave the general Law of Conspiracy to be dealt with by the ordinary law and the ordinary tribunals. All I ask by the Amendment is to restrict the exercise of this summary jurisdiction which you are giving to this tribunal to cases of conspiracy which are clear, unmistakable, and criminal in their character. Therefore, I am not answered by the objection urged the other night by my right hon. and learned Friend the Attorney General, that I am asking the Government to codify the Law of Conspiracy. There is another matter in regard to the vagueness of this clause of the Bill—namely, the use of the word "criminal" as it is used in the context. I submit, with great confidence, that the word "criminal" as it stands in the section has no force whatever greater than the section would have if that word had been omitted. The section begins by saying—"Any person who shall commit any of the following offences," and omitting the word "criminal," it proceeds to say—"Any person who shall take part in any conspiracy," and so on. If the word "criminal" were not used, the Legislature would show that it intends to treat as offences under this section the doing of the particular matters which are specified, and the matter is not substantially improved by the Amendment of the Attorney General—No. 25—by which he seeks to introduce the words "any criminal conspiracy now punishable by law." What guide would that be to the uninformed tribunal which is to administer this section as to matters upon which there may be a serious difference of opinion? In my opinion, it is not possible to formulate any judgment on the Law of Conspiracy much closer than that which I have ventured to suggest, and the interpretation of the law will depend very much upon the mind of the Judges of the particular tribunals who will have to administer it. But I will point out to the Committee some further reasons why it seems to me to be important in the matter whether there ought to be this distinction. The whole tendency of the legislative efforts of successive Governments has been to get rid of the present vague and indefinite state of the law which goes under the general designation of the Common Law of Conspiracy; and my hon. and learned Friends will remember that upon the Commission on which some of the most distinguished Judges sat, including Mr. Justice Stephen, Lord Blackburn, Lord Justice Barry, and Mr. Justice Lush, the Commission sought to limit the Law of Conspiracy to certain definite subject-matter which they specified under various heads, and to remove entirely from the law that reference to the Common Law of Conspiracy which is now, under general words, introduced again in so insidious and dangerous a form. In their Report, the Commissioners go the length of saying—

> "We have taken upon ourselves the responsibility of recommending that conspiracy (amongst other crimes) should no longer be indictable at Common Law, and the principal statutory conspiracies provided for were"—

I direct the attention of the Committee to this because it gives an exhaustive enumeration of criminal conspiracies—

> "treasonable seditions to bring false accusations to defraud and to commit indictable offences."

When Sir John Holker brought in his Bill it was framed on the lines of the recommendations of the Criminal Code Commission; but I do not find in the Code which he proposed any such provision as this—

> "To compel or induce any person or persons either not to fulfil his or their legal obligations, or not to let, hire, use, or occupy any land, or not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation, or to interfere with the administration of the law."

There is no such category contained in Sir John Holker's Code under the head of "Conspiracy." The Amendment I now propose to the Committee will, if adopted, make the clause read—"Any person who shall conspire by violence or intimidation to compel or induce any of the things specified in the clause to be done." I wish to know what reasonable objection can be urged to that Amendment? What is the offence that is criminal in its character which is not covered by those words? What criminal conspiracy is not included in the words "any person who shall conspire by violence or intimidation" to do certain things. I had not the pleasure of hearing the speech of my hon. and learned Friend the Attorney General the other day, but I have read it. It was delivered in connection with another clause, in regard to which I conceive that the discussion was a little premature. I believe that you, Mr. Courtney, gave an intimation to that effect, and, if I may say so, I quite agree with you. My hon. and learned Friend was pressed to say if the object of the clause was not covered by my words. What was his answer? He made this strained suggestion—that there might be a case of putting pressure upon a man to compel him to do or not to do a thing—such as a combination to injure and defame. Is my hon. and learned Friend able to say that that is a common offence? Certainly, we have no evidence of its existence in Ireland. I do not recollect a single case in my life in which a charge of conspiring to injure and defame has ever been tried. Therefore, if my hon. and learned Friend has nothing further to say than that, I think he has given no answer at all to my Amendment. I submit that if any such cases should arise, it would be only right and proper to leave them to be dealt with by the ordinary law, and not to be dealt with by a tribunal with summary jurisdiction. I again wish to impress on the Committee that I am not seeking to have anything declared to be no offence, which according to law is an offence; but I wish to have it shown in unmistakable language that what the Legislature means in giving this power to the Irish Resident Magistrates is to give them power to deal with conspiracies which are conspiracies by violence or intimidation to coerce persons to do or not to do certain things. These are the reasons which induce me to think that the Amendment is one which ought to be accepted by the Government, and all the more, because of the character of the tribunal to which this jurisdiction is remitted, and because the Government have professed to the House that they intend to put down real crime only. I say that the clause, as it stands, goes far beyond that; that the language in which it is couched is imperfect, indefinite, incomplete, and objectionable; that it gives power to the Resident Magistrates which they ought not to have, and it makes use of language which is easily capable of being misconstrued. I beg to move the Amendment of which I have given Notice.

Amendment proposed,

In page 2, line 17, leave out the words "take part in any criminal conspiracy," and insert the words "conspire by violence or intimidation."—(*Sir Charles Russell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): My hon. and learned Friend complains of the words "take part in any criminal conspiracy." I do not agree with him that this language is untechnical. The reason why that language is adopted is because the Government are of opinion, rightly or wrongly, that it correctly expresses what is the legal effect of the acts which constitute conspiracy. I pointed out the other night that it was not only the conspiracy or agreeing which was important in relation to this matter, but that it was the intent, purpose, and means by which it was proposed to carry out the agreement, and that some of these matters will have to be considered as questions of fact, and not as questions of law, when you are dealing with the question of criminal conspiracy. My hon. and learned Friend says that the word "criminal," inserted in the Bill, means nothing, and he says, also, that I mean nothing by the Amendment which I have proposed, the words of which are "any criminal conspiracy now punishable by law." [Sir CHARLES RUSSELL: I said it was too vague.] If my hon. Friend had waited, I think I should have, in another instant, have made my meaning clear. I will point out again to the Committee why these words were inserted. We have argued over and over again that there are combinations or conspiracies which are not unnecessarily unlawful or criminal; and we consider it desirable that on the face of the section, especially when we are transferring the jurisdiction to a new tribunal, we should indicate that we do mean conspiracies of a criminal character, and not combinations which, although they might be objectionable — such, for instance, as that to which I referred the other night—are still not criminal in their character. Therefore, we thought, and still think, that the word "criminal" is operative and effective. What I propose to do is this. It is suggested that you would be able to treat things as conspiracies which would not now be regarded as conspiracies, owing to altered circumstances. It was for the purpose of meeting that objection that the words are to be introduced "punishable by law." I am surprised that it should be imagined that the words in Sub-section 5 can be construed as inciting to do a lawful thing; the simple object of the words is to enable an accessory to be dealt with, and it was in no way with the object of making anything unlawful which was otherwise lawful that these words are introduced. There is a further argument of my hon. and learned Friend which I wish to deal with. He said you ought to lay down some strict definition of conspiracy, because you are going to transfer the jurisdiction from the jury to the magistrate, and because you are taking away the safeguard of the jury. I am aware that this is an important matter; but will the Committee for a moment consider what the real safeguard of the jury is? The only ground on which this could be suggested is that the Resident Magistrates would not be as good judges of facts as the jury are; but it is not that the jury are competent lawyers, but that they are considered to be good judges of facts, and of the intent or purpose with which an act is done. That, I think, might be left to the Resident Magistrate, because you say we are taking it out of the region of inference of law. I assume that the Resident Magistrates do their duty, and that they are not corrupt or partial, but honest men. Then, I say, that they are as good judges of fact, and even better, than the highest skilled and trained lawyers, although they do not know so much of the law. I submit that the very criticism against the removal from juries which the hon. and learned Gentleman has brought forward is an argument in favour of the transfer to the jurisdiction of the Resident Magistrates. My hon. and learned Friend says you will find nothing in the Criminal Code which contemplates such a distinction as this with regard to conspiracy. My hon. and learned Friend read out somewhat hurriedly an enumeration of the different kinds of conspiracy, but I think I caught the words "conspiracy to commit an indictable offence." I believe those words were there, and if so, I say that is not a narrow definition of the Law of Conspiracy; it is a net spread as wide as it can be spread. My objection to the Amendment of my hon. and learned Friend is not an argument drawn from any Act of Parliament; it is that it narrows the offence to a degree to which it ought not to be narrowed. I want to know why a conspiracy "by fraud" to compel people to do these acts should not be an indictable offence? If I put in "by fraud," it might immediately be said that we are endeavouring, for the purposes of this Bill, to codify what is criminal conspiracy; and I protest that it would be unwise to insert in this Bill the particular acts which are to constitute criminal conspiracy. There are a great variety of cases outside the words "violence or intimidation" which may have to be dealt with under this section; and to accept the Amendment would be to let go free many conspiracies which we are endeavouring to put an end to. For these reasons, it is impossible for Her Majesty's Government to accept the Amendment.

Mr. J. B. BALFOUR (Clackmannan, &c.): It is, I think, impossible to exaggerate the importance of this question, although it may, perhaps, appear dry and technical. We are now upon a clause dealing with the matter of summary jurisdiction, and the proposal is to amend it by the substitution of certain words. With regard to what the hon. and learned Attorney General said on the subject of conspiracy to defraud, I believe that all such cases in Scotland have been dealt with by the ordinary law and the ordinary tribunals; and I am quite sure that it is not for the purpose of striking at any such thing that this Bill is brought in, or that it is proposed to establish summary jurisdiction. I think the Attorney General admitted that, to take part in a conspiracy, was simply to conspire, and that to conspire was to agree to do an unlawful thing. If that is so, why do not the Government accept the Amendment of my hon. and learned Friend, and say "conspire." I think that if the words proposed by my hon. and learned Friend were introduced, no one would suppose that something wider was intended; but if the Bill is allowed to remain as it now stands, the Resident Magistrates might be persuaded that a person who had been concerned otherwise than as an agreeing party should be got at under this clause. If the words "take part in" are intended in the proper sense of take part as a party, then, I say, use the word "conspire." It is the danger I have referred to, and which we think exists in the Bill, that makes it right that the words in question should be struck out; and even if the Attorney General is satisfied that nothing more than the words "take part in" should be struck out, the Government ought, I think, to accept the word "conspire." Now, that is the first point which is involved in the Amendment. The next point is the use of the word "criminal." This has been made the subject of discussion already, and I do not propose to go farther into it; but if the word "criminal" is intended to have any efficacy, it should be made clear what that efficacy is, because I apprehend that nothing can be more dangerous than to put before an unskilled tribunal such a word as "criminal" to characterize things which are not in themselves crimes. It is customary in Scotch indictments to use the words "wickedly and feloniously;" but it is held that these are words of style, and that the use of them does not make the thing described by them a "crime," unless it is so apart from the use of these words. If the word which we are considering is only a word of style, and not intended to make a thing criminal which is not in itself criminal, then it ought to be struck out; but if it is meant to characterize as criminal something that was not so before, then, I say, there ought to be some definition of what makes it criminal. If things are to be made crimes which are not in their essence criminal, then you should say so; but, in that case, the words ought not to be used. Again, if what is meant is only to characterize the thing as criminal, if done by criminal means, we ought to know what these means are, and what my hon. and learned Friend's Amendment proposes is that the clause should tell us the means, so that a magistrate may know whether an act is done by means which are illegal or not. This is a matter of great importance, and it is particularly so in view of the kind of tribunal by which the Bill will be administered. The hon. and learned Attorney General, in answer to my hon. and learned Friend the Member for South Hackney (Sir Charles Russell), endeavoured to deal with the argument that an Act which might be safely administered by a higher tribunal, and a jury, might not be so safe if administered by Resident Magistrates. I understand the Attorney General to say that the value of a jury consists in this—that the jury is a good judge of fact, although it might not be a good judge of law, and that the Resident Magistrates of Ireland are to be assimilated to a jury on account of their ability to judge of facts, although not of law. I do not suppose that anyone would say that an average jury is so good a judge of fact, pure and simple, as a Judge; but then a jury brings in other elements, one of which is a common-sense way of looking at things. The great complaint with reference to Resident Magistrates is that they would not introduce into the administration of the Criminal Law the mitigating and common-sense elements which the jury introduce; but, on the contrary, they would add a new terror to it. I say, therefore, when you are confiding a novel jurisdiction to novel administrators, you ought to give these administrators the clearest instructions as to what they have to do. I believe there is no offence known to the Criminal Law surrounded by so much difficulty and delicacy as that which is called conspiracy. If the question is whether a man has picked a pocket or committed an assault, there is no delicacy about that; but when you are considering whether he is guilty of conspiracy, that is to say, whether he has conspired to do something unlawful, you get into a very delicate region. Therefore, when you have to deal with so subtle a matter as you may have to deal with under this clause, there ought to be no doubt left either as to the character of the acts intended to be struck at, or as to the means by which they are to be reached. For these reasons, I shall support the Amendment of the hon. and learned Member for Hackney, as the only available safeguard in this very special and difficult matter.

MR. MAURICE HEALY (Cork): The Amendment of the hon. and learned Member for Hackney involves two distinct points; first, there is the point, which has been to some extent already discussed, as to what is the effect of using the words "take part in," as distinguished from the technical term "conspire;" and the second point is, what is the meaning to be attached to the word "criminal." If the Government mean that to "take part in a criminal conspiracy" is the same as "conspiracy," I ask whether they should not put that meaning into the Bill? If they really mean that these words are to be read in this way, that they only apply to persons who are parties to a criminal conspiracy, then there is no great difference between and "criminally conspiring." The terms are practically synonymous, and, therefore, there can be no reason why the Amendment should not be adopted. But I do urge upon the Government not to leave the clause in its present form. It is all very well for hon. and learned Gentlemen to get up and say what they intend to do; but there is the greatest reason to suppose that the Resident Magistrates will be very far from accepting the view of the hon. and learned Gentleman opposite. My opinion is, that the clause, as at present constructed, will allow innocent persons to be convicted. The Government say that they have no desire to have the clause construed so as to affect innocent persons; but where you have a Resident Magistrate administering the clause, he may come to the conclusion that, in certain cases, he might convict persons who have no guilty knowledge in the matter. It was that which I had in view when I moved an Amendment to a former subsection; but, of course, I do not wish to go back to that. I say that if the Government intend that the section should be limited in the manner pointed out by the Attorney General for England, I think they should not confine their intentions to mere expressions in this House, but embody them in unambiguous words in the clause itself. We then come to the argument turning on the word "criminal," and it appears to me that on this point the contention of the late Lord Advocate (Mr. J. B. Balfour) is simply unanswerable. He said that the word "criminal" is used in one of two ways; it is used either with the object of making acts criminal which have been regarded hitherto as innocent, or it is used as a definition. If the word is used in the first sense, I cannot imagine any more serious act on the part of the Government than to come down to the House and seek to introduce so great a change by this means. If the Government wished to make certain combinations illegal, and to make it illegal to combine under any circumstances, then I say that they are bound to express their intention by distinct and express enactment, and should not attempt to make so great a change in the law by the mere introduction of an adjective into this Bill. I say it is clear that by the use of this word the Government intend to effect a great change in the law. I am content to believe they do not mean to do anything with regard to the Bill in an equivocal sense; but then we are driven on to the second horn of the dilemma of the right hon. and learned Gentleman the late Lord Advocate. If the word is used as a definition, then I can imagine no worse mode of drafting a Bill, and the remedy for that loose draftsmanship is that pointed out by the Amendment of the hon. and learned Member for Hackney (Sir Charles Russell). If the Government mean to draw a distinction between criminal conspiracies and conspiracies that are not criminal, they should select the form of combination which they wish to strike at, and expressly define what that form of combination is. Let them tell us what is the particular species of conspiracy which they consider criminal, and then we shall be prepared to discuss the matter on more equal terms. The Amendment before the Committee attempts a definition of this kind; it limits the species of criminal conspiracies which can be struck at under this clause to the overt acts pointed at in this clause. Now, if the definition of threats and intimidation is not sufficiently wide, let them tell us what it is they mean to strike at. This is a perfectly clear demand, and I think it is one to which we should have some answer further than that which has been given by the Attorney General. The Attorney General for England has suggested the word "fraud," and if the Government want to introduce that, I do not suppose there will be any strong objection to their doing so. At any rate, if they wish the wording of the clause extended, let them extend it, provided that they, in some manner, define what is the class of conspiracies at which they want to strike. There has been a considerable amount of argument on this word "criminal," and if the Irish Resident Magistrates are in the same state of doubt and difficulty on the subject as has hitherto prevailed on the two Front Benches, I imagine they will have rather a distressing time of it. But, for my part, I think there has been some confusion in this matter. It has been put forward that the words "criminal conspiracy" has no more meaning than the words "criminal arson" or "criminal burglary," and the Attorney General replied to that by referring to a book on the subject. My view is that there ought to be no difference of opinion about the matter. It is true that in speaking of conspiracy lawyers have more or less used the phrase "criminal conspiracy" instead of stating what the criminality is; but it does not follow that the superfluous words have no meaning. Lawyers have used the words "criminal conspiracy," but, so far as I am able to judge, the word "conspiracy" is never used to apply to innocent combinations; and if the word "criminal conspiracy" are only used where conspiracy is meant, I say that the words have, in my judgment, no force in themselves. There are no such offences as criminal and uncriminal conspiracy in practice, whatever the theory may be. The term "criminal conspiracy" does not enable anyone to discriminate between certain classes of combinations, and say this is criminal and this is not criminal; and, therefore, unless the Government wish to introduce an enormous difficulty in the construing of this clause, they are bound to define to what class of conspiracy they refer, and not content themselves with standing on the words of the Bill. That brings us to the consideration of the question as to what classes of conspiracies are to be included in this clause; and on that point it seems to me that the Government, on their own case, are not entitled to any larger scope in the section than that pointed out in the Amendment. Their case is that intimidation prevails in Ireland, and that the tenants are compelled to enter into conspiracy to Boycott people in order to induce them not to pay rent. That is their whole case as stated in the speech of the right hon. Gentleman the Chief Secretary for Ireland, who said that such a state of intimidation prevailed that persons in Ireland are compelled to go into conspiracies to induce others by Boycotting not to hire or take land. That being the mischief which they say is struck at by this clause, I am of opinion that the House of Commons will be doing wisely in limiting the remedy proposed to be applied to the particular mischief of the section.

Mr. R. T. REID (Dumfries, &c.): I do not expect to be able to make any impression on the Government, because I am afraid that in respect of all the clauses of the Bill they will decline to listen to any Amendment; but I rise to express my adherence to the views of my hon. and learned Friend the Member for South Hackney (Sir Charles Russell), and to say that I regard this as a very dangerous clause, and one which ought to be amended. The first objection I have is that the words are used—"any person who shall take part in any criminal conspiracy." Now, the argument has already been put forward by my hon. and learned Friend; but I observed that the Attorney General, in answering him, did not attempt to deny the accuracy of his statements. The hon. and learned Gentleman pointed out that taking part in a criminal conspiracy might be the same thing as conspiring. The Attorney General said it was the same thing, but he declined to go further and say why, if the two things are similar, the Government decline to leave out the words "take part in." I should like to ask the hon. and learned Attorney General why he insists upon using those words instead of the simple word "conspire?" And again, to repeat what was said by the hon. and learned Member for South Hackney, will he give us any authority to show that those words have been used before? There might be a conspiracy—for example, a combination to commit murder like the Ku Klux conspiracy—and there might be many degrees of guilt or innocence in those who took part in it. A man who conspires would have been one of the persons actually taking part in a combination for the commission of murder; but a man who takes part in a criminal conspiracy may be one who takes part in something quite different. There are, as I have said, many degrees of guilt, and using language of this kind, which is not legal language, might lead the Resident Magistrate to say that, although that man had not conspired, he, nevertheless, took part in that which is conspiracy for the commission of an offence; and therefore I hope the Attorney General will explain why it is we are not to have the word "conspire," instead of the words "taking part in a criminal conspiracy." I will now turn to another point mentioned by my hon. and learned Friend which was not met by the Attorney General for England. My hon. and learned Friend pointed out that it was exceedingly important to define the particular kind of conspiracies which were to be determined by the Resident Magistrate, and the Attorney General said that the Law of Conspiracy is very difficult of definition. It is so difficult that I believe those on the two Front Benches will not be able to define in what conspiracy consists. If that is so, I think the Government should determine what is the nature of the offence aimed at by this section, and curiously enough they have attempted to do so—it is not persons who conspire not to perform their legal obligations, but those who conspire to make others not perform their legal obligations. He would be a bold man indeed who should endeavour to codify the law with respect to conspiracy, and I should be sorry to take any part in an attempt to do so. The answer of the Attorney General for England to this Amendment is a very short one. He said it is quite true you are asking us to define conspiracy; but what are the reasons why you ask us to do that? The reason you put forward is that the safeguard of the jury is withdrawn, and it is perfectly true that the safeguard of the jury is of exceeding great importance, because whether the offence is punishable or not, it is a mixed question of law and fact. But the Attorney General seems to think that we have an excellent substitute for the jury in the Resident Magistrates, who, he says, are excellent judges of fact. I ask why, if they are excellent judges of fact in the delicate case of conspiracy, they should not be made judges of fact in England, Scotland, and Wales? But the truth is, a safeguard is required, not because we are disposed to impeach the integrity of those gentlemen, but because we do not think they are in touch with the people of the country, which is that which makes trial by jury so valuable elsewhere. If it is true that the words "take part in criminal conspiracy" are dangerous, and that danger is not removed by the Attorney General placing on the Paper an Amendment to say that the conspiracy contemplated here must be a conspiracy now punishable by law, because, in the case of innocent agents, there is no protection, unless you extend to them that protection which you refuse to extend to them, by inserting such words as "wilful," or "knowingly." It is that which makes this clause so formidable. Therefore, I say, do let us try to get rid of the danger of employing empty, vague, and general language in this clause. The last part of the Amendment of my hon. and learned Friend has the words "conspire by violence and intimidation." No doubt violence and intimidation are two really formidable methods by which conspiracy is carried out. But conspiracy might be carried out by persuasion, and that is not the sort of thing which ought to be struck at by exceptional legislation, nor the kind of thing which is dangerous to anyone. Therefore, I ask that there may be a definition here, and it would be almost better to have any definition than to have none. If the words which the hon. and learned Member for South Hackney proposes are not sufficiently wide, let the Government suggest others if they will, but do not leave the clause undefined and doubtful in character in reference to an offence which is difficult and impossible of definition. I ask the Attorney General again why the words "taking part in a criminal conspiracy" are put into this clause, and why he will not define those particular phases of offence which it appears are to be submitted to summary jurisdiction.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The first point of the hon. Member opposite is that we have used the words "take part in a criminal conspiracy" instead of the word "conspire;" and in the next place, he asks me to define the nature of the conspiracies which are to be submitted to summary jurisdiction. I do not regard the words used as contrasted with the word "conspire" as anything more than a choice of expression. I am aware that the words "unlawful combination" sometimes occur; but with a large experience in the administration of the Criminal Law, I am of opinion that an indictment would be perfectly good in the words we have made use of. As I have said, the words in the clause "take part in a criminal conspiracy" and the word "conspire" mean precisely the same thing; and as far as our knowledge of the law goes, make no difference whatever. The hon. and learned Gentleman has argued that a conspiracy is a thing criminal in itself, and that it was absurd to speak of "criminal conspiracy," as it would be to speak of criminal burglary or criminal arson. I do not agree with that. I find that the words "conspiracy" and "combination" are interchangeable in Acts of Parliament. We all know very well that there are innocent combinations and criminal combinations—innocent conspiracies and criminal conspiracies. Hon. Gentlemen opposite have charged us sometimes with taking part in a conspiracy of silence, and in doing so, I presume the charge made against us is not of an indictable character; and we, on the other hand, have sometimes retorted that there was on their side a conspiracy to talk, but I would not mean by that they were engaged in a criminal act. It is for the purpose of removing the doubt which might exist in some minds, that the Attorney General for England has put down the words "punishable by law." The hon. and learned Member asks us to define the offence which is to be submitted to summary jurisdiction; but the subject is too wide for definition, and were we to attempt to do so, we should fall into the very vice which the hon. and learned Member has referred to. The intention of the Government is that where there is an unlawful object aimed at by conspiracy, the conspiracy to get that object will be the offence dealt with summarily under this Act.

Mr. J. SHIRESS WILL (Montrose, &c.): The right hon. and learned Gentleman the Attorney General for Ireland has, I venture to think, not given us any further information upon the point which we say must, if possible, be cleared up before these powers are entrusted to Resident Magistrates. Now, a great difficulty is felt over the word "criminal." What is the answer the Attorney General for Ireland, in his able argument, has given? His answer is that it is necessary to have that word, and the reason which he assigns is this—in order that all conspiracies that are now punishable should be punishable under this clause. Unfortunately, this power is to be given to a tribunal the most unfitted in the world for defining conspiracy. Surely, according to the conviction of hon. Gentlemen opposite, these offences have gone on long enough in Ireland to enable them to make up their minds what are the conspiracies which are being committed in Ireland. It is said it is difficult to define or codify the Law of Conspiracy. I agree. I do not think it is so impossible, but I agree it is difficult. But the particular kinds of conspiracies and offences which have been occurring, and are said to be now occurring in Ireland, are surely by this time known, and can be defined. Well, why is it that the definition is avoided? Surely it is not at all desirable that these gentlemen—whom I will not again describe, because, however honourable they may be, it is already shown they are totally unfit for finding out the niceties and intricacies of so refined a law as the Law of Conspiracy, a law which puzzles Judges, counsel, and juries, and which, even now, according to the right hon. and learned Gentleman the Attorney General for Ireland, it is impossible to accurately and definitely explain — surely it is very undesirable that these gentlemen should be left to construe an Act of Parliament of this kind—I mean without any guide being given to them as to what it is that you desire to draw within the purview of this clause. Well now, under this clause, some of these gentlemen who are not lawyers may take the view pointed out by my hon. and learned Friend the Member for Dumfries (Mr. R. T. Reid), that is, that if a man simply posts a letter which contains a conspiracy he takes part in the conspiracy. It is quite possible that these learned or unlearned ex-Majors and Captains of the Army will be guided by policemen, who may say to them—"Sir, I assure you that the prisoner did take part in this conspiracy, for he carried the conspiracy to the Post Office." Evidently that is not intended. Now, let us see what is intended. Suppose that there should be an eviction, or a series of evictions, in a particular district. Examples of the cruelty of evictions have been often in the course of this Session brought before the House. Well, Sir, suppose that where some of these evictions occurred, the people are so shocked at what has taken place that they agree with one accord that no man ought to tender for or hire a certain piece of land. Will that of itself be conspiracy; will it be sufficient to be a criminal conspiracy, if it comes into a Criminal Court? All this vagueness is left to the gentlemen who are to decide upon this clause. Now, let us go one step further, and see whether it is absolutely necessary this crime should be strictly defined. I do not say that conspiracy should be absolutely codified, but that it should be more defined. By this Amendment it is proposed to take out the words "take part in any criminal conspiracy," and insert "conspire by violence or intimidation." Now, it is clear, except to those who will not see, that if a man conspires by violence and if he conspires by intimidation, that is unlawful; but do Gentlemen opposite say that you may unlawfully conspire without using any violence or any intimidation? ["Yes!"] Then how—we want to know how? Over and over again we find that ordinary Acts of Parliament are passed without proper definitions, and with an imperfect laying down of what the intention of the Legislature is. What is the consequence? Infinite delay, very great expense, over and over again clients are nearly ruined, and over and over again learned Judges complain that the Legislature has been lax in not strictly defining their intention. If that be so in civil matters, surely, when you are creating crime, creating punishment for crime, and over and above this, giving the power of summary jurisdiction to such men as the Irish Resident Magistrates, it is essentially necessary that some more careful definition should be attempted. Now, Sir, the difficulty of defining conspiracy under the Common Law is that the Common Law is a thing which has grown up under the administration of learned Judges for a long time, and that learned Judges have applied to new circumstances what they conceive to be old principles of law. But they are just as liable to be wrong in that application as to be wrong in any decision which they may honestly and ably give every day of their lives, and upon which they are every day corrected by Courts of Appeal and by the House of Lords. Therefore, without, in any degree, impugning the ability or the wisdom of the learned Judges, mistakes are inevitably liable to occur; and when this Legislature is asked to recognize this fine Judge-made and Judge-explained Law of Conspiracy—which has gone the length of saying some things which many of us think contrary to sense—I think it is time to pause and adopt the course which my hon. and learned Friend the Member for South Hackney (Sir Charles Russell) has suggested. For instance, it is held that each of two men may do a thing singly and their action may be perfectly lawful, yet if they co-operate to do the same thing their action will be held to be a criminal conspiracy. When such a doctrine is laid down, and the Legislature is asked to confirm such a doctrine, and at the same time to set aside the ordinary law and the ordinary tribunal, which is a jury, and to relegate matters to persons unlearned and unversed in the law, I think it is time to consider seriously the proposal of my hon. and learned Friend (Sir Charles Russell). Now, let us see how fair this proposition is. My hon. and learned Friend does not propose to interfere in any respect with any Judge-made law, or any Law of Conspiracy which stands. Whatever law there is at present in this country, or in Ireland or Scotland, that law will continue. A man will have to be indicted—he will have to be tried before a learned Judge, and he will have to be tried before a jury. It is impossible to blink the fact that juries over and over again will not accept from learned Judges any law which is contrary to their feelings of justice and common sense. Over and over again they have, contrary to judicial guidance, strained a point in favour of a prisoner in order to bring him in not guilty, because from their view the law, as laid down by the Judge, has been contrary to their sense of right and justice. That safeguard is to be taken away, and therefore it is extremely advisable that the definition proposed by my hon. and learned Friend should be made. Now, if it be a matter so plain to my hon. and learned Friend the Solicitor General (Sir Edward Clarke), let him tell us this—if there be any conspiracy in Ireland known among the Irish nation proper to be put down under this Bill which does not come within the scope of the words "conspiracy by violence or conspiracy by intimidation" let him tell us what it is. It will not do to tell us it is conspiracy not to hire a man's land—or for two or more to interchange their purpose not to hire the land, and their opinion that ti ought not to be hired—because, that by itself, is no offence. If my hon. and learned Friend the Solicitor General had ever so many fine estates, and I and those who sit around me declined to take any of them, he surely would not construe our action into a breach of the law. Surely it would not be contended that it is an offence for a man to say—"I will not deal with So-and-so and I will not work with So-and-so," and for his neighbour to say, "That is my own view too." I want to know what are the circumstances and the nature of the violence or intimidation which will make perfectly lawful acts unlawful. I trust that some responsible person on the Government Bench should say why it is that, short of codifying the law, some attempt cannot be made to define what they mean and intend by conspiracy under the particular circumstances of this Bill.

Mr. O'DOHERTY (Donegal, N.): The hon. and learned Gentleman (Mr. J. Shiress Will) and other hon. Gentlemen above the Gangway who have spoken on this Amendment have very greatly relieved Irish Members. Only one of my Colleagues (Mr. Maurice Healy) has as yet spoken upon this Amendment, and he spoke at a time when very few hon. Members were present. The hon. and learned Gentleman (Mr. J. Shiress Will) has referred to the character of conspiracy. We on these Benches have never heard of any complaint in Ireland except against conspiracy accompanied by violence and intimidation—the warmest newspaper opposed to us has never mentioned any other kind of criminal conspiracy. It is quite impossible to apply to many of the combinations which now exist the definitions of conspiracy which have come down from times when other and very different combinations were in the minds of the men who made the definitions. The habit of men combining together or working together in various forms has become an acknowledged fact in these days; but it is impossible to conceive the application of the old definitions of conspiracy to such combinations. There is not the slightest doubt that what the Government really desire is to secure to the landlords of Ireland their rents. They aim at the combinations which the tenants have formed to resist the excessive rents; but why not attempt to put down conspiracies on the part of landlords to make men take their farms and to work with persons they have an objection to work with? Why should a man pay his rent before he pays any other debt he owes? We have got at the naked truth, and got it out of the mouth of a responsible Member of the Irish Executive, that the object of this clause is not to deal with conspiracy as conspiracy, but to deal with tenants as against landlords. At one moment I thought the Attorney General for Ireland was going to say he did not agree with the Attorney General for England in his definition or explanation of the words "take part in." The right hon. and learned Gentleman said these words mean "engage in;" but the Attorney General for England said they mean "party to an agreement." Any person who is acquainted with the English language must admit that the words "any person who shall take part in" mean that a person must take an active or principal part in an act. The effect of the unanswerable arguments of the hon. and learned Gentleman the Member for Hackney (Sir Charles Russell) has been to make it clear that the Government mean "to conspire;" but they will not say so. Why are we so anxious to call attention to the words "take part in?" Because it is now plain that it is the means or the weapons used in the alleged conspiracy which are to be left to the discretion of the magistrate—this functionary is to declare whether the means are legal or illegal. A man may agree with the object and disagree with the means, or he may agree with part of one and part of the other, and yet he may be held to "take part in" the conspiracy. These words, I am sure, have not been framed by a lawyer, but have been sent over from Ireland by men who have a distinct object in framing the clause in this way. Now, if proof is given to a Resident Magistrate that the tenants on a certain estate are backward with their rent, and one man is suspected to be the leader of the tenants in the revolt against exorbitant rents, that man will undoubtedly have the torture of the first section applied to him. He will say—"I did not pay my rent." And then it will be said—"You are taking part in a conspiracy." He will be punished for a perfectly legal act—an act he is quite at liberty to do. Let me cite another case. It is well known that in Ulster many farms have been for 12 and 15 years left vacant, rather than that the Ulster Tenant Right Custom should be broken. The farm next to mine may be vacant. It may be a very desirable farm to have; but I do not care to take it; and it is not taken by anyone else. It is very likely to be held that there is a conspiracy not to take the farm, and that I am taking part in it. If tenants do not do exactly as landlords wish them, they will assuredly be held to be guilty of conspiracy. It is quite evident that the Government are bringing in this Bill for the purpose of compelling men to pay in full rents which it is impossible for them to pay, consistently with the times that we live in. I think the Committee has a right to insist upon some further explanation why these very extraordinary words are used, and why we are not to revert to the ordinary technical words which have been always used in criminal Statutes to define offences.

Mr. CLANCY (Dublin Co., N.): The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) stated, in reply to the hon. and learned Gentleman the Member for Dumfries (Mr. R. T. Reid), that this is a mere question of choice of words—a mere question of the choice between the words "take part in a criminal conspiracy" and "conspire." We often hear complaints about our debates being prolonged for useless purposes; but I never heard a more singular example of the prolongation of debate than that afforded by the speech of the Attorney General for Ireland. This debate has now proceeded for an hour and a-half over what the right hon. and learned Gentleman calls a mere choice of expression. [*Ministerial cries of* "Hear, hear!"] Yes; prolonged by the Members of the Government. They admit that the words, "take part in a criminal conspiracy," are precisely the same in meaning and intent as "conspire;" but they are prepared to prolong the debate rather than to consent to substitute for the words, "take part in a criminal conspiracy," the simple word "conspire." I suppose that they are quite prepared to debate the question for another hour and a-half, rather than to give in to the Opposition. They have refused to answer the question put to them by the hon. and learned Gentleman the Member for Dumfries (Mr. R. T. Reid). The Attorney General for Ireland rose with the express intention of answering the hon. and learned Gentleman frankly; but the Committee will bear in mind that from the beginning to the end of his speech he never gave a trace of an answer to the question why he prefers the words "take part in a criminal conspiracy" to "conspire." We know the reason perfectly well. We know perfectly well that it is in order to include, under the section, several offences which are not offences according to law, but are simply offences in the eyes of the landlord or the minions of Dublin Castle—to include offences which regular Courts of Law would not tolerate being brought before them. The Government are asked why they do not define the word "conspiracy"—they are ready enough to define other terms under the section. At the end of the Bill they indulge in several definitions; they define the words "Lord Lieutenant;" they define the most simple expressions that can possibly be thought of. They define, as I say, the words "Lord Lieutenant;" they define "county;" they define the words "Court of Assize;" they define the expression "Attorney General;" they define the words "writ of possession;" they define what is an aggravated crime of violence against a person; they define the word "intimidation;" and they define the words "the Whiteboy Acts." But one thing at which they stop is a definition of the very elastic word "conspiracy;" that is a very suspicious circumstance. The explanation is that hitherto the Government and the landlords have been saying things have been done in Ireland by intimidation which were not done by intimidation at all, and that if they were compelled to go into Court to prove that things had been done by intimidation it would soon be found that the charge was unfounded. The result is that they bring in a Bill framed in such a manner that they need not prove a legal offence at all, but simply leave it to the discretion of magistrates, who are neither learned nor fair, to define whether offences have been committed or not. It seems to me that the hon. and learned Gentleman the Attorney General (Sir Richard Webster) gave up the whole case, because he said in his speech—"If we assume that the Resident Magistrates in Ireland are unfit to discharge these delicate duties I admit this clause is badly framed." The hon. and learned Gentleman assumed that the Resident Magistrates of Ireland are fit to discharge these duties. Our assumption is that they are utterly unfit—our assumption is that they are not only incapacitated from discharging these duties from want of legal knowledge, but that they are a set of partizans; and my personal conviction is, judging from all I have heard of them, that not only are they partizans, but they are corrupt. Our belief, founded on experience, is that these Resident Magistrates are capable of being bribed, and have been bribed. No kind of bribery is more common than rewards for special services. The Resident Magistrates who, in the past, have been most active in the oppression of the people are precisely the Resident Magistrates who have been promoted; and there is not the least doubt in the world that under this Act the Resident Magistrate who shows himself most zealous in giving the widest possible interpretation to this Act, and in gathering into his net the greatest possible number of Nationalists, will receive the greatest bribe in the shape of reward and promotion. Sir, we have now had several successive illustrations of the real meaning of this Act. The real intention of the promoters of this Act is not to put down crime and outrage, but to put down political and social combination; and that, I am sure, the English people are begining to understand. It is impossible any longer to conceive that the object aimed at in this Act is simply and solely to put down crime and punish criminals, an object we do not object to, an object we would help them in accomplishing, because crime is not an advantage to us, as has been clearly shown at various elections. The Home Rule majority at the election yesterday would probably have been much greater if these charges of crime and outrage had not been repeated by Liberal Unionists and others. This Bill is not brought in to put down crime and punish criminals, but to put down political combination. That is the evident object of this Bill.

SIR WILLIAM HARCOURT (Derby): I do not rise for the purpose of prolonging this debate, but, as far as I can, of contributing to the conclusion of it. I think the opinion that we entertain upon this side of the House is that, as far as argument has gone, we have not had the worst of it. We are very willing that the judgment should be taken upon that argument. Now, there is one point in this discussion which, I think, ought to be made perfectly clear. The Government, from the earliest time when this matter was brought into debate, have rested upon their phrase "criminal conspiracy." Now, at the very earliest period, I challenged the Law Officers of the Government to show any example in which, in any Statute or in any indictment, the words "criminal conspiracy" appear. They have failed to meet that challenge. They cannot show that the words "criminal conspiracy" is a phrase known to the law, to which any definite meaning can be attached according to any interpretation which has been given to it by legal decisions. Well, then, what is the conclusion from that? It is that they are introducing a new phrase which will carry with it a new offence, and which must be subjected to a new interpretation. Now, that cannot be denied, and unless they are prepared to meet my challenge that is a thing which must go uncontradicted. They admit that if it were not for the word "criminal" they could not defend this clause. According to their allegation, they are not prepared to defend the clause if the word "conspiracy" stands alone. Then they say—"Oh, the introduction of the word 'criminal' alters the whole thing, and that is the thing upon which we are prepared to stand." Therefore, they have introduced a new legal phrase.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The right hon. Gentleman has overlooked Amendment No. 25.

SIR WILLIAM HARCOURT: Oh, the offences are to be "now punishable by law." That means a conspiracy according to the existing interpretation of Common Law. If that is what you mean, why introduce the word "criminal?" For what reason is this new phrase introduced? But I will take you upon your own ground. What you stand upon is the Common Law of Conspiracy now punishable by the Common Law. That is the very thing against which Parliament legislated in 1875, It was conspiracy punishable by law as interpreted by the Judges, which was condemned in the year 1875 as applied to the labourers of England. We say that to apply the Common Law of Conspiracy, as interpreted by the Judges, to the tenants of Ireland, would be equally unjust, and against that we protest. But, whenever we use that argument, you say—"Oh, no; that cannot be so, because we say criminal conspiracy, and that means something different." Well, if it means something different, tell us what it means? If you introduce a new phrase into the law of the country you are bound to define it, and if you do not attempt to do so we have a right to attempt in the Interpretation Clause to say what a "criminal conspiracy" means. We have a right to challenge a new phrase introduced by you into the law, and say what "criminal conspiracy" shall mean and what it shall not mean. If it means the Common Law of Conspiracy now punishable by law, we say that would be a most unjust law to apply to the combinations of tenants in Ireland. The question we have a right to put to the Government is this—what do you mean by conspiracy which is not criminal? If you say that criminal conspiracy is the thing you are aiming at, tell us what is a conspiracy which is not criminal? I shall like very much to hear a definition of conspiracy from the hon. and learned Gentleman the Solicitor General (Sir Edward Clarke). The word "conspiracy" in the law is a very old word; you find it in the works of Lord Coke referring to legislation of a much earlier period. The phrase "conspiracy" is to be found in the Statutes passed in the time of the Plantagenets, but no such phrase as "criminal conspiracy" is to be found in any Statutes. It is very difficult to assert a negative, but I invite the Government to cite a positive and to give us proof; I confess my ignorance. If they are able to produce Statutes, or to produce an indictment which contains this phrase "criminal conspiracy" upon which they rest, something may be said for the clause. I do not at all agree that the title of a book is sufficient ground for the introduction of this phrase in legislation; you cannot import titles of books into indictments; therefore, I challenge you to say what you mean by this phrase "criminal conspiracy." I have challenged you three or four times, and you have never ventured to answer me. If that be so, and if you can give no example from Statute, indictment, or judgment of Courts, we have a right to demand that upon the face of this Statute you shall give a meaning to this phrase which you, for the first time, import, and which you say is the significance of your Bill. I again ask the question, if "criminal conspiracy" are the patent words, explain to me what that conspiracy is which is not criminal? That is a very plain and clear question, and I should like to have an answer to it. Let the Solicitor General (Sir Edward Clarke), or let any of the numerous Law Officers who sit upon the Government Bench, give us an example of conspiracy which is not criminal in English law. If you mean by conspiracy unlawful combination, why do you not say so? That is a very plain and clear issue. This Amendment is moved in order to make it clear what is meant by conspiracy against which you are directing this Act. It is very necessary that the people who are to be affected by this Act should have a clear understanding what they may and what they may not do; and we say it is most unfair that people in the position of the tenants of Ireland should be exposed to the penalties provided for in this Act unless some definite information is vouchsafed to them as to the meaning of the Act. It is quite clear you are not prepared to say what are the things you will allow and what are the things which you will not allow. What are the combinations which the tenants of Ireland may enter into in reference to land—in reference to the occupation of land and the owners of land—which the Government assert are lawful, and what are those which the Government assert to be unlawful and criminal? In the absence of any answer to that we have a right to claim that this proposal of yours is an unfair proposal, and that it is a proposal made against the tenants of Ireland, and made in the interests of the landlords of Ireland; that it is spreading a net which is intended to be cast round the tenants of Ireland, which is intended to operate exclusively in favour of the landlords of Ireland; that it is a law made by the landlords for the landlords, and that it will be administered by the agents of the landlords. That is our distinct declaration upon this clause, and your failure to give any instance of what you regard as lawful combination, and what you are prepared to treat as criminal conspiracy, is a proof to us that we are right in the interpretation we have placed upon this clause.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): Sir, I rise now instead of my hon. and learned Friend the Solicitor General (Sir Edward Clarke), because I really think the argument has got beyond the phase of any technical legal discussion. This is the third time we have discussed the same question. The right hon. Gentleman the Member for Derby (Sir William Harcourt) prides himself that he has got much the best of the argument. I will not dispute that now; but I will only call the fact to the mind of the Committee that the right hon. Gentleman is hardly in a position to say whether his side has got the best of the argument or not, because, unless I am very much mistaken, he has not been in the House during the time the argument has been going on, and he neither heard the most able and temperate speech of my hon. and learned Friend the late Attorney General (Sir Charles Russell), a speech to which I listened with the greatest admiration, nor the reply, on which we rest our case, of the hon. and learned Gentleman the Attorney General (Sir Richard Webster). Not having heard either the case for the prosecution or the case for the defence, he is, I venture to think, hardly in a position to say that he has got the best of the argument. I am not going to discuss whether we ought or ought not to introduce into this clause the expression "criminal conspiracy." That the expression is not a foolish expression from a legal point of view is shown by the fact that the greatest legal authority on this subject uses it in the title and uses it on every page of his book. Whether there is or is not precedent in any Statute for the use of the phrase, the fact that an eminent legal writer has distinguished criminal conspiracy from conspiracy which presumably is not criminal is a proof, at all events, that the phrase is not nonsense. But, apart from that, the right hon. Gentleman (Sir William Harcourt) has argued the whole case as if my right hon. and learned Friend the Attorney General for Ireland (Mr. Holmes) had not put down upon the Paper Amendment No. 25. If there was any ambiguity before as to what we meant was criminal conspiracy that ambiguity is wholly removed, or will be removed when my right hon. and learned Friend has introduced into the Bill the Amendment of which he has given Notice. Therefore, I think that any argument founded upon any supposed or presumed doubt as to what class of offences is aimed at by this clause is entirely out of place. Is it too much to ask that we should now proceed to a Division? The hon. Gentleman the Member for Dublin County (Mr. Clancy) told us that we have been talking for two hours upon an Amendment respecting a mere choice of expression. Well, Sir, two hours are surely enough to decide the choice of an expression; and, therefore, I respectfully ask that we should now come to a decision upon the point.

Question put.

The Committee *divided*:—Ayes 237; Noes 165: Majority 72.—(Div. List, No. 161.)

THE CHAIRMAN: The decision come to by the Committee disposes of Amendment 21, "page 2, line 17, after 'take' insert 'active;'" Amendment 23, "page 2, line 17, leave out 'criminal;'" and 24, "page 2, line 17, leave out 'criminal conspiracy,' and insert 'conspiracy by acts in themselves criminal.'" I am unable to attribute any meaning to Amendment 22, "page 2, line 17, after 'part' insert 'in conjunction with other persons;'" and, therefore, the Committee will proceed to Amendment No. 25.

Amendment proposed, in page 2, line 17, after "conspiracy," insert "now punishable by Law."—(*Mr. Attorney General.*)

Question proposed, "That those words be there inserted."

MR. DILLON (Mayo, E.): I rise, Sir, for the purpose of pointing out and placing beyond all doubt the conspiracies which are to be punishable by the Summary Jurisdiction Courts under this clause. I intend to give all the opposition in my power to this Amendment, and the reason why I propose to do so will be very easily seen. I do it on two grounds—in the first place, because I think it is an illusory concession to this side of the House—in fact, that it is no concession at all; and, secondly, because it defines more clearly the conspiracies at which the Government are aiming by this clause. It has already been pointed out, very often in the course of these debates, what an enormous change has been made in the administration of the Criminal Law of Ireland by removing from the people of Ireland the protection of Judge and jury in cases of "criminal conspiracy." In spite of all that has been said against removing from the people of Ireland this protection, and in spite of all that has been said about the tremendous change that this clause will make in the position of everybody engaged in political work in Ireland, all the concession that the Government is prepared to offer is contained in the words—

"That no conspiracy shall be dealt with under this section of the Act that is not already punishable by Law."

Now, Sir, we have only to return to the Charge of Judge Fitzgerald, and the Charges of Judge Murphy and Judge O'Brien, in order to know what are the conspiracies which are now punishable by law in Ireland. Of course, this subsection, as amended by the Attorney General's Amendment, would be interpreted not as looking towards such conspiracy as is practically punishable in Ireland—that is to say, such conspiracy as it has been found practicable or possible to get punished by the machinery of Judge and jury; but it applies to such conspiracies as, according to the law laid down by the Irish Judges, the juries ought to convict for, and which ought to be punished by law. And we have laid down, as has been said more than once in the most clear and unmistakable language, what the character of these conspiracies is; and in order to bring home as forcibly and clearly as possible to hon. Members the character of the legislation they are engaged in, I will read once more the language of Judge Fitzgerald on this point. Before I do so, however, I desire to point out that the language of Judge Fitzgerald, so often quoted in this House, is clearly and unmistakably different, and different in most important particulars, from the language of the Attorney General for England when laying down the law in this House the other day. I listened with the utmost attention to the Attorney General for England when he was laying down what he considered to be the Law of Conspiracy as professed or laid down in this country; and I am perfectly certain that the law, as laid down by him, was clearly and distinctly different from the law as laid down by the Irish Judges. Judge Fitzgerald, in laying that down, as we know, said that it was conspiracy for two or more individuals to join together to do an act which, if done by one individual, would be nothing more than a civil wrong; and he instanced the fact that for one tenant to withhold his rent was not in any degree criminal, but only a civil trespass; while for two or more tenants in concert to withhold their rents was conspiracy. Judge Fitzgerald did not use the words "criminal conspiracy;" but he said it was a conspiracy punishable at Common Law. Now, what does that entail? It entails that this concession of the Government leaves it open to these Courts of Summary Jurisdiction in Ireland to hold it to be conspiracy—or, if they will have it, "criminal conspiracy"—for two or more tenants to combine and confederate together for the purpose of bringing about a reduction of rents. There can be no doubt that the Government have in their minds the using of this Act for that purpose, and to punish as guilty of criminal conspiracy tenants who withhold their rents, or men who advise tenants to withhold their rents, for that case also was dealt with in Judge Fitzgerald's Charge. I invite the Attorney General to tell the Committee whether such offences are not "now punishable by law," as the law stands at the present time, and whether it will not be punishable by these Summary Jurisdiction Courts? I would ask the Attorney General to say whether, if two or more tenants withhold their rents, or if anyone advises them to do so, such conspiracy would not be conspiracy punishable by the Common Law in Ireland? Let us consider, for one moment, how this clause would work in Ireland. Combinations of tenants to withhold their rents, with the object of getting their rents reduced, you must recollect are by no means confined to the National Party in Ireland. You must remember that combinations of tenants to withhold their rents for the purpose of bringing about reductions are looked upon all over Ireland, by men of all religions and by men of all politics, as perfectly legitimate. Such combinations have been entered into by persons belonging to the Loyal and Patriotic Association—to which the hon. Member for South Belfast (Mr. Johnston) belongs—on the estates of the Marquess of Downshire, of the Duke of Abercorn, of the present Lord Lieutenant of Ireland, and on numberless other estates, like Wallace's estate in the North of Ireland, where the tenants are opposed to us in politics. Meetings were held, and resolutions passed at these meetings, frequently moved by Protestant clergymen, the purport of which was that rents should be withheld, in the hope that, by so doing, the landlords would be induced to give reductions. It is true that, in this case, the agitators stopped short in their operations—that is to say, they do not go the length, and did not adopt the courses, that we advised the tenants in the South and West of Ireland to adopt. ["Hear, hear!"] Yes; that is so; they did not go so far as we did; but that fact does not affect my argument in the slightest degree. The action of these persons in the North of Ireland—on the estate of the Duke of Abercorn, for instance—was just as much a conspiracy under the words of this Act as it was for tenants elsewhere to adopt the Plan of Campaign. According to the Charge of Judge Fitzgerald, to combine together to withhold rents, with the object of obtaining a reduction, is conspiracy at Common Law; and whether the conspiracy stops at passing resolutions at public meetings, and whether they stop, as they did, on the Duke of Abercorn's estate—on which, be it said, they succeeded in their object, for after they had withheld their rents for two or three months the tenants got considerable reductions—whether they are content to stop after receiving advantages such as those, or whether they go on to further measures, such as the tenantry who have adopted our advice have taken, I hold that they are guilty of the same conspiracy according to the *dicta* of the Irish Judges; and what I want to bring home to the Committee is that, by refusing to give us any definition of the crimes and offences that are punishable under this section, they leave it open to the Executive in Ireland, should they so desire to do, to absolute prohibit all public meetings in Ireland called together to consider the subject of the payment of rent. It cannot be denied, if this Amendment is all the limit the Government is prepared to insert in this section, that, from the day the clause passes into law, no meeting of Irish tenants can be held for the purpose of getting reductions of rent without those who take part in it being guilty of criminal conspiracy under this Act, and it will be simply and solely at the discretion of the Castle and the Resident Magistrates whether they shall be punished or not. It may be that men like the Lord Lieutenaut of Ireland, from motives of decency, not wishing to have their tenants dragged into the Courts, may desire to spare them; but, however they may cherish that desire, this clause will be able to strike these people. Even if such tenants are not affected, we shall have in Ireland what has been done with so much mischief in the past—namely, the tenantry of such and such a Lord spared, whilst the tenantry of other persons, for the same offences, are committed to prison. Where, I ask, are the lines to be drawn which will satisfy anyone's mind as to the difference there will be between a combination on the Marquess of Lansdowne's estate and those on other estates in Ireland? On the Marquess of Lansdowne's estate the tenantry adopted our policy, and the Marquess of Lansdowne had all his legal remedies. When the law came to the doors of the tenants they were put out of their holdings. The tenantry of the Duke of Abercorn did not go so far as we did—they got terms; and will any lawyer point out to me the difference, from a legal point of view, between the combination in the one case and that in the other? I want this clear—that this limitation proposed by the Attorney General is absolutely illusory. It gives us nothing whatever, and as it gives us nothing I shall certainly oppose it to the best of my ability.

SIR WILLIAM HARCOURT (Derby): I entirely agree with the hon. Gentleman who has just sat down. [*Ironical Ministerial cheers.*] Well, I do not see at all why I should not agree with the hon. Member. I know that hon. Members opposite have laid it down, as a fundamental principle, that on every Irish question it is absolutely necessary to differ from every Representative of Ireland. That is according to their system of government in Ireland. They do not attempt to govern that country according to the opinion of the Irish people. They govern it by the English sword. They do not agree with any representations from the Irish Representatives as to their claim upon the English House of Commons. That is the Tory doctrine, and the principle upon which the present Government propose to govern Ireland. I quite understand that that is not the principle that we adopt. We desire to govern Ireland in accordance with the wishes of the Irish people. You think that a monstrous proposition; but we regard it as a fundamental principle, certainly of the Liberal Party, and I think you yourselves will one of these days find it a necessary principle for the English Government to adopt. That time will most assuredly come. Well, now, with reference to the Amendment of the Attorney General, though I certainly agree, and I repeat it, with the hon. Gentleman who has just spoken that it gives no security at all, we are not here to oppose its introduction. It would be a great mistake to suppose that this Amendment really alters the matter the least in the world. Why it was not originally introduced, and why it is left to this period to be inserted, it is idle, perhaps, now to speculate. It is a curious thing that upon this, one of the most important features of the Bill, the Government have absolutely failed to secure one single word of support from Unionist Liberals in this House. The right hon. and learned Gentleman the Member for Bury, one of the greatest authorities upon the Law of Conspiracy, with whom I have fought the battle for many a year in this House, has been silent upon this question. He has not supported the views of the hon. and learned Gentleman the Attorney General for England or the right hon. and learned Gentleman the Attorney General for Ireland. He could not have done so without having contradicted every word that he said in the year 1873. [*Cries of* "No, no!"] Hon. Gentlemen who are crying "No, no!" never heard the debates in 1873, and know nothing about the Law of Conspiracy, or about the great contests that went on in this House. I say that it would have been impossible for the right hon. and learned Gentleman the Member for Bury to have supported this clause in accordance with the principle he maintained at that time on the subject of Trades Unions. What is it that the Attorney General's Amendment does? It throws open the whole Law of Conspiracy as expounded by the interpretation of Judges under the Common Law. That was the very thing which worked the whole injustice against the Trades Unions. That which was punishable at Common Law as conspiracy was the very thing complained of, the very thing condemned, and the very thing legislated against in 1873. Then the whole of that law in its injustice is now to be applied to the tenants of Ireland in their combinations without any of that protection which has been given to the English labourer. The Government have refused that protection, and they say that the law which was so applied to the English labourer shall be now applied to the Irish tenant. Well, we have protested against that as best we could; we have laid our arguments before the House and the country; and I do not think there will be any advantage in continuing the discussion further. But I think that hon. Gentlemen below the Gangway may be certain of this—that if in the administration of this law the magistrates or Judges of Ireland should ever practically apply to the tenants of Ireland the Common Law of Conspiracy in the way that it was applied to the labourers of England they will find that the public opinion of Great Britain will be arrayed on the side of the tenants of Ireland, and that they will inevitably have the voice of the Legislature brought to bear to reverse their decision, as it was brought to bear to reverse the decision of the Judges as to the Law of Conspiracy in this country. We have made this issue perfectly clear. You have opened up the whole of this loose, mischievous, and oppressive Common Law of Conspiracy which the people of England, after long debates, overruled in favour of the English labourers. You are now going to place that law in the hands of the Resident Magistrates of Ireland, under the influence of the landlords, to apply it to the tenants of Ireland. We cannot, in the present state of the House of Commons, get any remedy here to-day; but so surely as his law is applied, and as soon as injustice in its application is observed in

Ireland in the case of the tenants as it was observed in England in the case of the working men, so surely will that remedy be applied, and I think we may be perfectly content to look forward to that time.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I will not follow the right hon. Gentleman in his disquisition on Home Rule with which he began his observations upon this Amendment. That did not seem to me to be at all relevant, and I will not occupy the time of the Committee by replying to it. Neither will I again go into the question of the Law of Conspiracy, upon which the right hon. Gentleman has spoken now, I believe, about six times. It will suffice if I again repeat to the Committee that the intentions which are accredited to Her Majesty's Government and the framers of this Bill and the Irish Executive, of levelling it not against crime, but against legitimate combinations of Irish tenants, is wholly and absolutely unfounded. It finds no justification either in any utterance of any Member of the Government, or of any Gentleman who adheres to the policy of the Government, nor in any provision which we have introduced into this Bill. Now, I hope the Committee will allow this Amendment to be introduced into the Bill without a Division. The hon. Member for East Mayo (Mr. Dillon) has told us he means to divide against it. I think that surely, from his own point of view, he will be ill-advised to do that. He may think that the limitation or the explanations we have given are inadequate. He may desire further restriction introduced into the Bill; but the Committee have already decided that point. They have decided against further restriction; and that being so, would the hon. Gentleman not be well advised if he allowed us to put the words in the clause which, whether necessary or unnecessary, at all events make it perfectly and absolutely clear what is the view of the Government in framing this clause?

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I also am of the same opinion as the hon. Member for East Mayo. But I go beyond the opinion of the right hon. Gentleman the Member for Derby, and I think that we should oppose the introduction of these words. It appears to me that the words are mere tautology. We have in the clause the words "criminal conspiracy," and what, I ask, is "criminal conspiracy" but a conspiracy punishable by law? [Mr. A. J. BALFOUR: Hear, hear!] This Amendment is clearly tautology. Well, if these words are tautology and unnecessary, on the other hand, they accentuate that which we ought to object to—namely, the introduction into this Bill of the vague and indefinite Law of Conspiracy, instead of giving us what we have pressed the Government for—namely, some definition of the conspiracy to which this measure is to apply. The right hon. Gentleman the Chief Secretary denies that the Government desire to put down legitimate combination. That is the point. I want to know what is a legitimate combination. Is a combination of tenants not to pay rents until they can come to terms with their landlords a conspiracy? That is what we want the Government to tell us. That is what the right hon. Gentleman the Member for Derby and the right hon. Gentleman the Member for Mid Lothian have pressed the Government again and again to tell us; but they have not told us and they will not tell us; and that being so, we, having been denied any definition or explanation of what is a criminal conspiracy, it does seem to me that we should be wrong in allowing the Government to introduce words which strengthen the Law of Conspiracy, but do not, in any degree, define that law.

MR. MAURICE HEALY (Cork): I do not intend to make any lengthened observations on the question before the Committee, but I should like to ask some of the lawyers in the House what change in the effect of the section will be brought about by the introduction of these words? In the early part of the evening the Government opposed two Amendments of mine, on the ground that the words I proposed to add were surplusage; and, that being so, I am not sure that the Amendment that they now move is not open to the same objection. It is only right that those who introduce these words should be able to give some meaning to them—should be able to point out that they make some modification of the section, and should rise in their place for the purpose of doing so at once. I notice that the hon. and learned Gentleman the Attorney

General did not rise in his place for the purpose of moving the Amendment.

MR. DILLON: I object to this Amendment, because it really is no limitation of the clause. The right hon. Gentleman the Chief Secretary for Ireland and the hon. and learned Gentleman the Attorney General know that perfectly well. It is put into this Bill for the same purpose, as the measure is entitled "A Bill for the Amendment of the Criminal Law of Ireland." It is put in in order to throw dust in the eyes of the people of England, and to lead them to believe that what is punished under the Criminal Law of England will be punished under this Act in Ireland. The right hon. Gentleman the Chief Secretary for Ireland has just stated, for the third or fourth time, that the accusations of the right hon. Gentleman the Member for Derby, when he accused the Government of the intention of using this section against legitimate organizations in Ireland, are entirely unfounded. If that be so, why do not the Government accept limitations that will put it out of their power to use this section against legitimate organizations? We all remember the declaration of the poet —I do not know whether I recollect the words accurately, but I think they were—

"So glorious is the privilege to kill,
All court the power, but none avow the will."

The Government want the power to put down our organizations, but they deny that they have the will to do so. Why, I ask, if they have not the will, do they not propose a limitation that will take the power out of their hands? We reserve to ourselves the right to entertain our own opinion as to that. Whatever the intention of the right hon. Gentleman the Chief Secretary may be, I know perfectly well what his action will be when he gets this Bill passed into law. If I held to my own inclinations I should certainly divide the Committee against this Amendment; but as some of my Colleagues would prefer not to have a Division I shall not persist in the matter.

MR. ARTHUR O'CONNOR: I should like to ask the right hon. Gentleman the Chief Secretary and the hon. and learned Gentleman the Attorney General, whether the Government are prepared to divide the House on this Amendment? They have not been able to give a single argument in support of it, or to show that it will make the Bill better; and when the hon. Gentleman the Member for Kirkcaldy pointed out that the words "criminal conspiracy" conveyed just as much as the words "criminal conspiracy now punishable by law," the Chief Secretary readily intimated his assent to that proposition. Under these circumstances, where is the justification for the introduction of these words? At any rate, what would be the justification of detaining the Committee during the time which would be necessary for taking a Division in order to get the words introduced, seeing that they are unnecessary, and will not improve or elucidate the Bill.

Question put, and *agreed to.*

The CHAIRMAN called on Mr. R. T. REID; and there being no response—

THE CHAIRMAN: Does the hon. and learned Member intend to move his Amendment?

MR. R. T. REID (Dumfries, &c.): I did not intend, Sir, to move my Amendment, because I understood that an hon. Member who has put down an exactly similar Amendment intended to move it instead; but if he does not I will move mine. My proposal is in page 2, line 18, to leave out the words "or induce." The object of my Amendment is very simple, and I will state it in two or three words. The grounds upon which I think these words should be omitted are because, if there has been any kind of moral suasion, even good advice, or advice thought to be good, it may be the means of rendering a man liable to punishment for crime. What I take to be an improper operation on the mind of another man is to put pressure on him against his will; but using suasion or argument such as I refer to does not seem to me to be an element of criminal offence. I desire to limit the harshness of this section, and that is the reason why I move to omit these words "or induce."

Amendment proposed, in page 2, line 18, to leave out the words "or induce." —(*Mr. R. T. Reid.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (MR. HOLMES) (Dublin University): I do not see how we can accept this Amendment after the discussion we have already had and the alterations we have introduced into the clause. The clause deals with an agreement to commit an offence under the section, and it would seem necessary to include in the provision any persons who might induce others to become guilty.

MR. CHANCE (Kilkenny, S.): I wish to point out very briefly to the Committee the position in which we are. The case of the Government was that a conspiracy meant an agreement which might be either lawful or illegal, and that it was necessary to put the word "criminal" before it in order to show that a criminal association or agreement was meant. Now, conspiracy is a mere act of agreement, and what makes it criminal or lawful is the object of those who conspire. It is the means employed or the act agreed on that makes it lawful or illegal. The clause defines the means, and the object of the so-called conspiracy, the position we are in is this — that an agreement to compel or induce any person or persons not to do so and so is declared by the clause to be criminal. What would be the effect of it if we leave the word "induce" in? Why we shall have a statutory declaration that it is criminal to agree to induce any person to do so and so. That is a most undesirable position. We cannot exclude the question of the objects of an agreement. The objects are defined in the Bill, and the only question which will be left is whether an agreement has been come to or not. To leave out of sight the question as to whether or not the agreement has been come to for specific unlawful objects, and to make it criminal merely to combine to induce any person not to fulfil a lawful obligation, would be introducing an entirely new change into the law.

MR. SHAW LEFEVRE (Bradford, Central): The word "induce" is governed by the word "criminal," the Attorney General says. If that were so, I should not object to it. It would then mean that the inducement must be by criminal or fraudulent means; but that is not the meaning of the clause. The word "criminal" does not apply to the word "induce," but to the word "conspiracy;" it has no effect on the word "induce." If it were otherwise I should not object, and should not support the Amendment of my hon. and learned Friend.

MR. WADDY (Lincolnshire, Brigg): I have tried to find out where this phrase comes from, and I think we shall discover it has been borrowed. This is the precise term found all through the Whiteboy Acts, which go so far as regards this compelling and inducing as to say that it is to be an offence against the law to use "threats, promises, persuasion, or other undue means." So that promises are undue means, and persuasion is an undue means, and now we are to link together persuasion as an undue means with criminal conspiracy to persuade, and you are to get into the clause the whole of the Whiteboy Acts that we are to consider afterwards.

MR. W. REDMOND (Fermanagh, N.): The right hon. Gentleman the Chief Secretary said just now that this Bill was not intended to be used against legitimate combinations on the part of the tenantry or any other class in Ireland. After that declaration I cannot, for the life of me, see any good grounds for the Government's refusal to accept this very moderate Amendment. Sir, the object of the Amendment is to protect people from the operation of this Act who may influence the actions of their friends and neighbours by legitimate advice. The Bill is supposed to be framed to be used against people who practise intimidation and violence to compel others to adopt their views with regard to the holding of land, and with regard to other affairs in Ireland. Well, Sir, by all means, if you wish to apply this Act to check intimidation, and to prevent people from compelling other people by violence from doing that which they consider they have a right to do, you may do it. Do that by all means; but do not bring people under this Bill for merely giving advice to their friends. Now, unless this Amendment is accepted, it will be thought that no two or three people will be at liberty to go to a friend and give advice about the taking of a farm, or the buying of cattle at a fair, without laying themselves open to be branded under this section for conspiracy. Sir, it has been over and over again pointed out that the law with regard to conspiracy is extremely vague, and it has been stated, without contradiction, that almost every agreement arrived at upon any matter by more than two persons might be called a criminal conspiracy. So that if two or three men were to advise a neighbour not to take a particular farm because they thought it would not be to his ultimate advantage, these people, though they might only have given friendly advice, without any illegal intent whatever, merely with a view of helping the man, might be proceeded against for criminal conspiracy. I cannot see on what grounds the Government refuse the Amendment, since it does not hamper the administration of the Bill against persons who may use violence or intimidation to enforce their views; but only provides that men who use legitimate persuasion or advice to induce their friends not to take a certain course of action shall be exempted from the operation of this Bill. I do not think that the speech of the right hon. and learned Gentleman the Attorney General for Ireland gave any satisfactory reason to the Committee why this Amendment should not be accepted; and I should like to hear the right hon. and learned Gentleman say why it is that the Government, if they are anxious to prove their sincerity—in stating that they do not wish this Bill to be used against legitimate combinations—will not accept this. Why will they not give us this security, and guarantee that the measure is not to interfere with legitimate combinations of tenantry in Ireland? It is perfectly evident that under this clause, if they do not accept the Amendment, that no one in Ireland will be able to give advice or to use legitimate means of persuasion there on any earthly subject. You will shut the mouths of those who are friendly to the people, and practically give the landlords complete power over their tenantry; you will stand between the tenants and those unjust and unreasonable bargains which the landlords might wish to make them take. I think the Attorney General for Ireland should give us some good reason why the Government will not accept this Amendment to drop out these two words "or induce," which alteration will by no means interfere with the stringency of the Act against persons who use violence or intimidation, but which will give a guarantee that persons will not be taken up and put in prison for conspiracy when they only gave such advice to their friends as is given every day, not only in Ireland, but in Great Britain also.

Mr. M. J. KENNY (Tyrone, Mid): The reason these words are retained by the Government in opposition to our wish is not only that they may enable the Government to lay its hands upon associations or conspiracies that may be criminal, but that it may bring before the summary tribunals words which may be used on public platforms. I maintain that the Government insist upon these words in order that they may connect persons who speak on public platforms with conspiracies—that is to say, that they may charge them with conspiring with the tenants not to pay rent. Assuming that you can connect the National League, we will say, in any part of Ireland, with a movement upon any particular estate to withhold the payment of an excessive rent, you immediately connect with that so-called conspiracy every branch of the League, and take in every meeting that is being held under its auspices. You could make people speaking 200 miles away from the estate upon which the tenants were advised to withhold the payment of excessive rents liable to criminal proceedings under this Act. These words "or induce" will enable the Government to strike at every man who dares to open his mouth on a public platform in Ireland. There is no word that a man could utter on a public platform in Ireland in respect of which this section, framed as it is, will not lay him open to a criminal prosecution, and so long as public men are prevented from using platforms in order to induce people to adopt certain political views, there is an end of freedom of speech in Ireland. If such a law as this could possibly come into operation in England, the most conspicuous of the Tory orators of the day would have exposed themselves to incarceration in the cells of the prisons of this country. It would have been possible to have convicted and imprisoned them under this section. Let us suppose that two ordinary cattle dealers are looking over, criticizing, and estimating the value of a lot of cattle. Suppose a third person comes up and asks them their opinion of the cattle, as he thinks of buying them; if they say "These cattle are not very good, and you ought not to buy them," this man may communicate that to the landlord or his agent, or the agent may overhear it, an information may be sworn to the effect that these two cattle dealers conspired to prevent the sale of the landlord's cattle, and there will be at once a preliminary inquiry and a prosecution before two Resident Magistrates. In that way really harmless words spoken at a fair between ordinary friends, and with no criminal intent whatever, may lead to the punishment of perfectly honest people. We know that the value of the word "criminal" before "conspiracy" is absolutely *nil*. It means absolutely nothing, and its omission would leave the clause exactly as it is. That has been maintained to-night from the Government Bench, and maintained with truth. The words "criminal conspiracy" will be no protection, for the criminality will not be criminality in the view of Judges of England or Ireland, but simply in the opinion of the Irish Resident Magistrates.

COLONEL NOLAN (Galway, N.): If you take these words "or induce" in connection with the words which follow, such as "not to fulfil his or their legal obligations," or "not to let, hire, use, or occupy any land, or not to deal with, work for, or hire any person or persons," it will give the Government the power of indicting a person for the most petty offence under the name of "criminal conspiracy." Not only will the Government be able to indict people for anything, no matter how petty, but the Irish Attorney General has pointed out that the whole machinery of this Act may be put in force by any person. I do not say that the Government will necessarily draw the line where the Act may be put in operation in the wrong place; but I do not like giving over to the Government, and to any person in the whole of Ireland, the power of drawing the line at any offence. To say that every person shall have the power of saying that every trivial act a man may do is a criminal offence is a *reductio ad absurdum*. I do not suppose that the Government would punish these things as a criminal conspiracy; but, supposing that two or three persons should combine to leave their pigs on the road, that, no doubt, would be very wrong; but the offenders should hardly be indicted for a criminal conspiracy in respect of it, and yet, under this Act, if one "induces" others to do such a thing, anyone may indict them, and have them punished for a criminal conspiracy. But take another case which is often attended with a certain amount of violence—a case which is very well known in England—where a number of persons lay claim to a right of way. A man may wish to maintain a right of way, or the owner of land may wish to close a right of way, and a person may "induce" others to assist him in attaining his object. If the Government choose, or the person supposed to be in possession of the right of way cares to exercise the power, they or he can have those persons indicted for criminal conspiracy. Such an offence, however, ought not to be punished by imprisonment, or as a criminal proceeding; but where the case is established a fine of £10, £20, or £30 ought to be inflicted. Then I would take another case—the case of the Guardians of a Poor Law Union. I myself have often "induced" other Guardians to put certain machinery in motion; that machinery may be legal or illegal, for it is often extremely difficult to know what is really the law which governs Poor Law Unions, and what are really the duties of Guardians—I go further, and say that in Ireland it is very often extremely difficult for Guardians of the Poor to comply with the law and their legal obligations. Well, if we do not comply with the law and our legal obligations we are subject to certain punishments, either as a union, or in our individual capacities; but I do not think we ought to be indicted for criminal conspiracy even if we fail to comply with our legal obligations, and yet, if this Bill passes in its present shape, we should be constantly liable to such indictment. Politically speaking, in my own case, I am afraid it would be perfectly impossible for me to make a single speech to my constituents without laying myself open to indictment for criminal conspiracy. Even if I told the electors not to vote for the Conservative candidate I should be brought, in some way, under this Bill. I quite admit that the whole case is very different so far as the word "compel" is concerned. If you "compel" a person to do any of the things mentioned in this section—that is to say—

> "Not to fulfil his or their legal obligations, or not to let, hire, use, or occupy any land, or not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation,"

there is a strong *primâ facie* reason that you are liable to punishment; but merely for "inducing" a combination amongst individuals for a certain purpose, unless the combination is itself criminal, not even the tremendous powers of this Act should be put in force. [*Interruption.*] If the hon. Member who is now sitting amongst the Conservative ranks would allow me to explain, I would point out that the chief objection I have to the proposal of the Government is that it leaves it to almost every policeman to draw the line; it enables them to draw the line at an offence infinitesimally small, and to indict us for the most ordinary acts. If this section becomes law as it is framed, it will enable a policeman to indict a person for an offence of such a small and ordinary character that it would be better punished by a fine of 5*s.* and the infliction of costs than by putting the powers of this Act into force.

MR. EDWARD HARRINGTON (Kerry, W.): We are, to my mind, at the turning point of the whole matter. It is argued in this House that the present political situation in Ireland, and the representation of the country in this House, has been produced by intimidation. Well, we challenge the Government, and those who make this assertion, to make good their words, and to stand, in this clause, by the words "compel" or "terrorize." But they insist upon the word "induce." What will be the result of adopting this word? Why, I hold in my hand a Petition, which I have been asked to present to this House, from an elected body of Guardians, trying to "induce" Her Majesty's Government to improve the Land Act, and to have a general re-valuation, so as to bring about a reduction of rates. It seems to me that that is trying to "induce" Her Majesty's Government not to do an act which they have a legal right to do. Am I to be told that because a newspaper writer tells the people of Ireland how best to combine in order to secure for themselves a just and fair rent, that because he writes what he thinks in the open light of day, and is prepared to take the consequences of his action, he is to be prosecuted for criminal conspiracy? Why, if this clause is carried, there is not a single speech that can be made, there is not a single expression that can be used, on the part of the tenants in Ireland, which may not bring the person who utters it under an indictment for a criminal conspiracy. [*Laughter.*] I tell the Government, whether they laugh at us or not—I tell them plainly and flatly that, whatever meaning they attach to this word "induce," so long as the present state of things is maintained in Ireland, so long as we see exorbitant rents extracted from the pockets of the miserable tenantry, and the roof-trees burned over the heads of people who cannot pay their rents, so long shall we stand up and speak and use every effort to induce these people to combine against the payment of unfair rents. And what I say here I will say elsewhere, where it will be more useful to say it than here, and where I shall get a more sympathetic audience. My words will not be an incentive to violence—they never have been. I challenge anyone to point to a single word of mine, written or spoken, which has incited to violence, or has been calculated to incite to violence. I shall use every endeavour to get the people to combine against rack-renting and oppression, and I sincerely hope I shall be the means of inducing them to combine. I say that in absolute defiance of what the Government may do. But there may be many people less physically capable than myself of facing the consequences of such a course. We challenge the Government upon their own declaration, which was that their Bill was directed against terrorism. Why do they not direct it against terrorism? ["Hear, hear!"] The hon. and gallant Gentleman who cheers that observation does not seem to appreciate the point we are now on. Surely it is too much to say in the case of a man with the instincts of humanity in his breast that he should abstain from advising people to resist tyranny, and that if he does so and is successful you punish him. Do you declare that any man who should advise his fellow-countrymen in this way shall be brought up under this clause? There would be some sense in that, but the word you use is "induce." It appears, then, that if a man advises another to resist tyranny he is not to be prosecuted at all; but if a man induces another to resist it he is to be sent to gaol. That is an old policy which is not calculated to soothe, but to sow strife among all classes of people. You will allow advice to be given to the tenants; but if men, in the earnestness of truth, stand up for a certain class in Ireland, and induce them to combine, then Her Majesty's Government are very ready to prosecute. I will show why the Purchase Bill of the Government itself should come under the operation of this clause. At the present time a tenant in Ireland agrees at the point of the bayonet to purchase his land at a certain exorbitant price. I give an instance where the landlord has asked his tenants to agree to purchase all their holdings at an exorbitant figure; the landlord evicts these people, because they do not agree to his proposal. I know an instance where a Sheriff has gone to a tenant with a writ of ejection in the one hand and a written agreement to purchase the land in the other. It is said you have a legal right to make these agreements; but we interpose and say we will not allow the purchase to take place. I myself know an instance in which land has been bought at 18 or 20 years' purchase which the Land Commissioners would not ratify, because the land was not worth the price. Therefore, I say that the Land Commission, in refusing to allow the land to be purchased in that way, would come under the operation of the clause. Suppose that we, having the interest of our people as much at heart as ever you have had it, go amongst the tenants and advise them to stand together and consult among themselves as to what is reasonable. I ask is it because we induce them to do this that we are to be made the victims of this enactment? I do not, of course, expect to induce any hon. Members below the Gangway opposite to do anything of the kind. I would as soon go into a cabbage garden and expect the cabbages to listen to me. I say if the Government would consider for a moment that we have at heart the interest of the country in which we were born, and which we represent in this House, and if they would in some way shape their Act in the direction which we indicate, it is quite possible that we should stand off and give it a fair trial to see whether it would be of any use for the purpose of putting down criminality in Ireland. But if I find that this is to be an Act to perpetrate injustice in Ireland I shall ever speak of the Act as it appears to me—[*Interruption*]—and as little as I care for the interruptions of hon. Members opposite so little shall I hesitate to state my view of the case in Ireland. You have put us in a position in which we are forced to be opponents of every word and line of the measure in this House, and we shall not hesitate to take up the same position in regard to it when the time comes, if it ever does come, for its application in Ireland.

Sir WILLIAM HARCOURT (Derby): I think we might now go to a Division on this subject. I am sorry that the Government have not accepted the Amendment, because the contrast between the word sought to be introduced and that which is in the Bill is so clear that there can be no misunderstanding about the matter. The Government, by their action, show that the clause is distinctly to be used against innocent combination. If there was ever any doubt about that these words make it perfectly clear. The introduction of the word "induce" makes it evident that the object of the clause is that every combination shall be attacked, though it may be a combination entirely devoid of any criminal intention. In taking this Division—[*Laughter, and cries of* "Divide!"]—I cannot but admire the manners of hon. Gentlemen opposite. I am doing what I can to facilitate the conclusion of this discussion, and I am endeavouring in the briefest terms to indicate the true character of this clause before we take a Division upon the Amendment; and, having done so, I think the sooner we take the Division the better.

Mr. W. REDMOND: I wish to draw attention to the fact that throughout the discussion on this Amendment Irish Members have been most persistently interrupted by hon. Members opposite. I would submit very respectfully that, to say the least of it, it is not decent, when Irish Members are endeavouring to do what, in their opinion, is their duty to their constituents, that they should be interrupted thus by hon. Members opposite who are opposed to their views; and I appeal to you, Mr. Chairman, to ask hon. Members who have no interest in the details of this discussion, and who desire to engage in conversation, to leave the House and allow us to proceed with that which to us is a matter of the greatest moment.

THE CHAIRMAN: I regret that there should be any ground for complaint, but I am forced to confess that there is.

Question put.

The Committee *divided*:—Ayes 265; Noes 180: Majority 85.—(Div. List, No. 162.)

Amendment *negatived.*

MR. O'DOHERTY (Donegal, N.): The Amendment which I am about to move is one which the Government can use for strengthening the Land Bill, when it comes into operation in Ireland. Suppose when large numbers of the tenants avail themselves of the Land Bill, they find that their action brings them within this clause. I ask how they are in that case to get the benefit of the Land Bill? Surely, to give the Resident Magistrates power to say whether they shall do so or not is pushing the matter to absurdity. Whether you appeal to a man's fears or passions, whether you use force or terror, or whether you use reason, you have no right to tell him you repudiate his liability. Unquestionably, it will many a time be the duty of a man towards his family, or towards the State or local government, to insist upon withholding certain payments. It will be a tremendous thing if men are not left to the ordinary freedom of a country to combine to determine in what priority they shall discharge their legal obligations. There are some Amendments which, I believe, will not be moved. [*Ministerial cries of* "Hear, hear!"] I trust that on that account hon. Gentlemen opposite will be all the more inclined to accept my Amendment. There are some Amendments upon the Paper which plainly show in what way even a landlord, by compelling men to fulfil their legal obligations to him, would thereby take from the men the means of fulfilling their other obligations. I deny that in Ireland rent is so sacred an obligation, and one of such supreme importance that it should be paid before any other debt. I beg to propose the Amendment which stands in my name.

Amendment proposed, in page 2, line 18, to leave out the words "not to fulfil," in order to insert the words "to repudiate."—(*Mr. O'Doherty.*)

Question proposed, "That the words 'not to fulfil' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I presume that the hon. Gentleman (Mr. O'Doherty) means, by the insertion of the word "repudiate," that there should be some action done by the tenant to inform his creditor, whoever he may be, that he repudiates the matter altogether. I certainly cannot consent to that, and I think, having regard to what the Committee has already done, it must be admitted that for persons to conspire together to induce a person to repudiate his obligations is an offence, and it must be admitted that it is equally an offence if they compel or induce a person to keep his money in his pocket, and not to fulfil his obligations.

MR. MAURICE HEALY (Cork): I think my hon. Friend (Mr. O'Doherty) explained with sufficient clearness what the distinction was. Repudiation would be a total denial of an obligation, but it could not be said that a tenant repudiated his obligation to his landlord if he offered his rent at a 20 per cent reduction. That is the distinction, I think, which my hon. Friend made, and which the right hon. and learned Gentleman the Attorney General for Ireland has not made. Now, Mr. Courtney, let me put a particular case. Five years ago this Parliament passed an Act, which was called the Arrears Act. By virtue of that Act tenants in Ireland were enabled to apply to the Land Commission, and the Land Commission was authorized, in certain cases, to remit a portion of the arrears due by tenants. Now, you can imagine that Act being in force at the time this Bill became law. It would be actually a criminal offence if any Member sitting in this quarter of the House or if any public man in Ireland went among the tenants for whose benefit the Arrears Act was passed, and advised them to take advantage of the provisions of the Act, and go to the Land Commission and ask for a reduction of their rents. The Arrears Act lapsed some years ago, and my hon. Friend (Mr. O'Doherty) pointed out very properly that the Government have themselves in contemplation, and have introduced in "another place," a measure which is intended to enable tenants in Ireland, in certain cases, to retain a remission of their rents, and which will enable those tenants to discharge their obligations as regards their arrears of rent by the payment of a portion of the sums due from them, and that if this Bill passed in its present shape any Member of Parliament or any public man who goes among the Irish tenantry, and takes it upon himself to recommend them to take advantage of the provisions of that other Bill which the Government profess themselves anxious to pass, will make himself liable to the provisions of this clause, and subject himself to the penalties provided. That Bill provides—I do not want to discuss it, but I may refer to one of its provisions by way of illustration — that Bill provides that, in certain cases, the tenants can go into the County Court and say that they are unable to pay their arrears of rent, that the rent is exorbitant, and that they should be released from their obligation to pay the rent in full, on offering or tendering a certain portion of it. Now, Mr. Courtney, if this Bill passes, it appears to me that to recommend the tenants to take advantage of that provision would be a criminal offence. What does this Bill provide? It provides that any person who shall take part in any criminal conspiracy—and it is now agreed that the word "conspiracy" means nothing more in the opinion of the Government than an agreement —any person, therefore, who shall take part in any agreement to induce any person or persons not to fulfil his or their legal obligations shall be subjected to the penalties of this Act. Because a man recommends the tenants to go into Court and obtain the benefits of the Government Bill, he recommends those tenants not to fulfil their legal obligations. The right hon. and learned Gentleman the Attorney General for Ireland may say this case is governed by the word "criminal;" but the word "criminal," we have it over and over again—and we have it from the right hon. Gentleman opposite (Mr. A. J. Balfour)—would not govern a case of this kind, because acts done by an individual, innocent in themselves, became criminal if done by a number of persons. Consequently "criminal" does not help us in the least. It amounts to this—that if a number of persons agree to induce tenants to take advantage of the Bill which the Government are passing in "another place," they will be liable to be hauled before two Resident Magistrates, and to be imprisoned for six months. The distinction given by my hon. Friend is perfectly plain. If you accept his Amendment, the clause of the Government will not apply to a case of that kind, because the tenants who acted on the advice given to them, although they would not be fulfilling their obligations, they would not be repudiating them. Let us remember, in this connection, the famous *dictum* of Lord Fitzgerald, in the case of "the Queen *v.* Parnell." In that case Lord Fitzgerald laid it down that a landlord's right was to his full rent and not to a part of it; and anybody, or any body of persons, who recommended or advised tenants not to fulfil their legal obligations to pay landlords their full rent, were guilty of taking part in a criminal conspiracy, and could be punished for it. Now, that is the point my hon. Friend raised. If you use in this section the words "not to fulfil" you will place on the tenant the obligation of paying their rent to the very last penny; if, on the other hand, you accept the Amendment of my hon. Friend, and substitute for the words "not to fulfil" the word "repudiate" you will enable the tenants to make the best terms they can, and either to induce the landlords to give them a reduction, or to take advantage of the Bill the Government are passing in "another place," and which, we are told, is intended to confer a great many benefits on the Irish tenants.

Mr. T. M. HEALY (Longford, N.): Mr. Courtney, judging from past experience, there can be no question that we shall be accused of engaging in criminal conspiracy. It must be remembered that that distinguished statesman (Mr. John Bright)—I speak of him in his general capacity, not as a Member of Parliament—always refers to the Irish Party as a rebel conspiracy. [Mr. Johnston: Hear, hear!] Fortunately the hon. Member for South Belfast (Mr. Johnston) is not a Resident Magistrate. We are always referred to as a rebel conspiracy, or as a conspiracy to induce the tenants of Ireland to do certain unlawful things. This Bill is brought in, and the question at issue is a question of rent pure and simple. Now, our contention has been that the rents of Ireland are too high; we say to the tenants of Ireland that Lord Cowper's Commission recommends you a reduction of 18 per cent, and, under these circumstances, you are entitled to a reduction which English landlords are giving to their tenants. We are met by this Bill, in which it goes without saying that we shall be considered a criminal conspiracy. Eighty-five Members of the House of Commons have been described by Mr. Bright——

THE CHAIRMAN: Order, order!

MR. T. M. HEALY: I only speak of him in his general capacity.

THE CHAIRMAN: The distinction the hon. and learned Gentleman dwells upon is not real. The fact that a present Member of the House makes a speech out of the House is not sufficient to entitle the hon. and learned Gentleman to speak of him by name. It is only in referring to the past, that names of Gentlemen are used in the House.

MR. T. M. HEALY: I heard Mr. William O'Brien referred to to-night by name without protest. Anyhow, Mr. Courtney, the senior Member for Birmingham (Mr. John Bright) always refers to this Party as a criminal conspiracy. Now, if we recommend the tenants in consequence of the state of the crops, or the state of trade, or anything else to insist upon reductions which English landlords give their tenants, we shall of course, in the judgment of hon. Gentlemen opposite, be sharers in a criminal conspiracy, and Resident Magistrates in their pay and at their back will at once find us guilty of criminal conspiracy. We have said, and I trust we shall continue to say, to the tenants of Ireland, if you are unable by reason of the season to pay your rents without defrauding your other creditors, you must not do so. We contend that in equity the tenants have more claim to their rents than the landlords, and therefore we advise tenants to pay the shopkeepers with whom they deal, before they pay the landlord. That will be considered an incitement under this Act to people to engage in a criminal conspiracy not to pay a particular person, whereas it is nothing of the kind. I submit it is giving a preference to no particular creditor, but treating all men on the same scale. We have never advised the tenants to repudiate their obligations, and therefore, we claim the protection that the word "repudiate" will give. I think it is only a reasonable thing that the Government should accept this Amendment.

Question put.

The Committee *divided*:—Ayes 259; Noes 137: Majority 122.—(Div. List, No. 163.)

DR. CLARK (Caithness): I beg to move, Sir, that you report Progress, and ask leave to sit again. I have to ask the right hon. Gentleman the First Lord of the Treasury to assent to this Motion, in order that we may go on with Report of Supply and consider several important questions that arise therein.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Dr. Clark.*)

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I understand there are several Amendments on the Paper that will not be pressed, and some that will not be moved, and under the circumstances, I think it would be better that we should run through these and go on with the Committee until we come to some substantive Amendment upon which there is opposition.

MR. T. M. HEALY (Longford, N.): The right hon. Gentleman should remember that some hon. Members have been waiting here all night in order to bring questions forward on Report of Supply. It is intended, I believe, to raise a discussion in reference to the Scotch Crofters Act, and seeing that private Members, owing to the action of the Government in taking the whole of the time of the House for the Coercion Bill, have been unable to bring matters under the notice of the House on private Members' days, I think the least the Government can do is to allow us some time on Report of Supply to take such discussions. We on these Benches desire to raise attention to the question of the suppression of meetings in Ireland, and we shall certainly do it at some hour of the night or morning. As we are to have an Autumn Session the Government have plenty of time on their hands, and I do think, therefore, it would only be reasonable on their part to let Progress be reported. If you will appoint 6 o'clock to-morrow for the meeting of the House, it will be reasonable, perhaps, to go on with the Committee; but it certainly is not reasonable to expect us to sit here all night discussing Amendments, and then to proceed to consider questions on Report of Supply afterwards, and to come here at the ordinary time this evening. At this hour (1.5 a.m.), it is only reasonable that Progress should be reported.

Mr. W. H. SMITH: I think the hon. and learned Gentleman must have misunderstood me. I said it was understood that a number of the Amendments next on the Paper will not be moved, or if moved, will not be pressed, and that under the circumstances I thought it would be better to proceed with those Amendments.

Mr. CHANCE (Kilkenny, S.): If the hon. Gentleman (Dr. Clark) withdraws his Motion, it will be competent to make a similar Motion at any time.

Dr. CLARK: I withdraw the Motion.

Motion, by leave, *withdrawn.*

Mr. CHANCE (Kilkenny, S.): I have been asked by the hon. Gentleman the Member for Central Hull (Mr. King) to move the Amendment standing in his name—that is to say, in page 2, line 19, after "or," to insert "to compel any person or persons, by means of threats, intimidation, or violence." Since this is a very substantial Amendment, and as it comes from the Tory part of the House, I think it should be properly discussed. I would, therefore, ask that Progress should be reported.

Amendment proposed,

In page 2, line 19, after "or," insert "to compel any person or persons, by means of threats, intimidation, or violence." — (*Mr. Chance.*)

Question proposed, "That those words be there inserted."

Mr. W. H. SMITH: I beg to move that you, Sir, do now report Progress.

Motion made and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. W. H. Smith,*)—put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

SUPPLY.—REPORT.

[ADJOURNED DEBATE.]

Order read for resuming Adjourned Debate on Question [17th May], "That this House doth agree with the Committee in the said Resolution."

2. "That a further sum, not exceeding £3,830,300, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments for the year ending on the 31st day of March 1888."

Question again proposed.

Debate *resumed.*

Dr. Clark (Caithness) rose to speak, when——

Mr. SPEAKER: I would remind the hon. Member that he has already spoken in the debate, and is precluded from taking further part in the discussion before the House.

Mr. MAURICE HEALY (Cork): I wish to ask Her Majesty's Government for some information as to when they intend to fill the vacancy at present existing in the Court of Common Pleas in Ireland. I presume I am in Order in going into this matter under the Vote for the Irish Law Courts. It is about six weeks since the Government succeeded in passing a measure which was considered so urgent that the right hon. Gentleman the Chief Secretary got up in this House and said it was necessary to pass it without discussion or debate. On that representation, Sir, several blocks which stood against the Bill were withdrawn, and the Government succeeded in passing the measure through this House post-haste, and through "another place," and it is now the law of the land. Seeing that the Bill passed through both Chambers six weeks ago, it is rather surprising that the Government have not availed themselves of the opportunity which the provisions of that Bill offers for filling up the vacancy I have referred to. The right hon. Gentleman the Chief Secretary declared, when the Bill was under discussion, that it was quite impossible that the Common Pleas Division could continue to discharge its functions unless this appointment was made; but, in the face of that fact, we have seen six weeks elapse, and yet have heard no hint even of the likelihood of the appointment being made. I would press the Government to give us some information on this subject. I do not think they have treated us fairly. They first induced us to take our blocks off the measure, by representing that the matter was of the utmost urgency, and now that they have had the Bill six weeks, they make not the smallest use of it. I ask them if they will give us some information as to what they mean to do? The Chief Secretary is, as usual, not present; but I would express a hope that some other official representing the Government would be able to give us some information on this point.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): The hon. Gentleman seems excessively anxious to know what is going to be done under a Bill which has not yet received the Royal Assent, and which, therefore, is not yet law.

MR. T. M. HEALY (Longford, N.): Six weeks ago I was refused by the Government a single night's discussion of this Bill, on their assurance that it made all the difference of a cataclysm of a Parliamentary character in the ordinary conduct of debate whether the Bill was taken on a Thursday or a Friday. The Government could not wait for the Bill one day; they were in a terrible hurry; the people of Ireland were gasping for the appointment of a new Judge. The measure has passed the House of Lords, and there would have been no difficulty in getting the Royal Assent to it; indeed, since the Bill passed both Houses we have several times seen Black Rod walk up to this Table. The anxiety of the Government to appoint a new Judge is so slight that, notwithstanding the extraordinary pressure they put upon us to pass the Bill, now that they have got it they have not taken the smallest trouble to get the Royal Assent to it. I quite appreciate the object of the delay on the part of the Government, and I must say it is a high compliment you pay to the Law Officer who has been extremely vilified by *The Times*. You have not given the Bill the Royal Assent, in order that, for the present, you may not lose the services of the Attorney General for Ireland. If at first you had said frankly what you meant to do, the position would have been a reasonable one to take up; but the right hon. Gentleman the Chief Secretary told us that the Bill was so necessary that you could not wait a single day for it, and we had it on his assurance that some very frightful thing would happen if the Bill did not pass at once. "Unless you pass this Bill," he said, "we shall be obliged to fill up the Chief Justiceship of the Common Pleas." Such pressure did the Government put on the House that the third reading of the measure was allowed to be taken on the same night that the Committee stage was disposed of. The Bill went up to the House of Lords at once, and it passed there ever so long ago. The Government have been keeping it up their sleeve, so to speak, ever since. This shows their precious way of doing business. They find their Irish Attorney General so extremely useful here that they cannot allow him to be made a Judge. I only hope that when they can spare him, and when he retires to the Bench, he will be found as useful a Judge as he has been an Attorney General. But it was not my intention in rising to discuss that subject; I desired to call attention to a different matter altogether. I rise to refer to the action of Her Majesty's Government in reference to the Ulster meeting. Things in Ireland have been brought to this pass—that when a certain class of people determine to hold a public meeting, and a placard is issued by someone announcing a counter meeting, then the first meeting is not to be held. I would ask Members of the Orange Party whether that is reasonable? I put it to the hon. Gentleman the Member for South Belfast (Mr. Johnston) whether, when the Orange Party hold their meetings in Dublin, at the Rotunda, in splendid style, with all their regalia, they are never interfered with at all? We do not dream of interfering with them—in fact, they rather amuse us. They build their Orange Hall in Dublin next to the Palace of the Catholic Archbishop, and no one objects to their mummery. We consider them harmless, and their meetings never give rise to anything in the slightest degree in the nature of a panic. But what is the last act of the Government in regard to freedom of public meeting in Ireland? [An hon. MEMBER: Speak up!] An hon. Member says "Speak up!" I always use my natural voice in speaking, and I have always succeeded in making myself heard. I think if hon. Gentlemen opposite would stop their conversation, no one would have any difficulty in hearing me. Her Majesty's Government, when it suits their purpose, are fond of appealing to the example of Lord Spencer. They refer to his course of action as a precedent. Well, in Lord Spencer's time, there was a meeting held in Dungannon in no degree differing from that which is now proclaimed. I travelled down to it with the Parliamentary Under Secretary for Ireland (Colonel King-Harman). We sat in the same train, and in the same carriage, and the only thing he said disrespectful to me was that I smoked cigars as long as his arm. Seeing that I do not smoke at all, I think that was rather hard. He also said he was sorry Her Majesty's Government had lent me their protection to prevent the Orangemen breaking my head. Well, what happened on the occasion of that meeting? Why, what happened shows how completely the peace can be preserved in Dungannon. I went into the gathering with nothing but a stick in my hand, and the Rev. Roaring Kane shouted out — "There is So-and-so; show him how you can cheer for the Queen;" and they showed me how they could cheer for the Queen by raising their shillelaghs in the air, and directing them at my head. There was a troop of dragoons present, fortunately, so that notwithstanding the excitement of the right hon. and gallant Gentleman, and of the Rev. Roaring Kane, nothing serious took place. The Under Secretary declared, on that occasion, that he was extremely sorry that the "protection," as he called it, of the Queen's troops had been given to me—in other words, he was extremely sorry that I had not been killed by his Orange friends. But I did not feel in the least aggrieved by the expressions of the right hon. and gallant Gentleman. He is a military man, and we must take these things from him with certain qualifications. But what I want to point out is, that at a meeting at Dungannon similar to that which has been proclaimed, Lord Spencer was able to keep the peace, notwithstanding the incitement of the right hon. and gallant Gentleman and others like him. This incitement went on to an enormous extent at that time, and yet without breaking the peace. A lot of Tories came over to Ireland especially, and addressed a meeting of the Orange Party in the Rotunda—a meeting presided over by the Orange Grand Master. The right hon. Gentleman the First Lord of the Treasury was there, and he heard the incitements addressed to the Orangemen of Ulster to break up our meetings and break our heads. He sat and listened to his present Attorney General for Ireland, when he declared that the blood of Giffen was on the head of Lord Spencer; he heard the Under Secretary for Ireland tell the people to keep the cartridge in the rifle, and use other expressions of the same kind. And yet, notwithstanding these meetings of Orangemen, and notwithstanding the death of a man which occurred through the riotous proceedings of the mob, who broke the windows of the convent in which the Lady lay sick—a circumstance which was so inconvenient to the Tory Party at the time, that Sir Stafford Northcote had to write a letter regretting its occurrence—Earl Spencer was able to keep order in Ulster. The noble Earl could allow meetings to take place and yet keep order, and that notwithstanding the Orange Party were led on by Sir Stafford Northcote, by the First Lord of the Treasury, and the right hon. and learned Gentleman the Attorney General for Ireland. [*Cries of* "Divide!"] Perhaps the hon. and gallant Gentleman opposite who cries "Divide!"—[An hon. MEMBER: Not gallant.] Then I will say nothing about him. Though these incitements were addressed to the Orange Party by Gentlemen so distinguished, and though the Orange Party were roused to fury by those incitements, and by the fact that the Franchise Act was being passed by Her Majesty's Government—for they knew it would give us a majority of the Ulster Representation—notwithstanding all that, I say, Lord Spencer preserved the peace so thoroughly that, with the sole exception of the lad Giffen, who was brought 100 miles, and paid 2*s.* 6*d.*, in order to attend a meeting in a county and a district he did not belong to, no one suffered injury. That was the state of things under Lord Spencer; but what is the state of things now? A Protestant Association, called The Protestant Home Rule Association, which has no connection with the National League, a modest, hum-drum Association, not in any way associated with "conspirators" like ourselves—an Association led by Mr. Shillington, Mr. Thomas Dixon, and other gentlemen who are Northern Presbyterians, in a quiet, family manner, amongst kith and kin and fellow-Presbyterians, propose to hold a meeting to protest against the policy of the Government. Now, I must say that whatever we have had to say about Lord Spencer, we never complained that he did not allow us to talk against his policy. But now, when a body of men threaten to hold counter demonstrations, Her Majesty's Government say that we shall not hold our meetings, because the Orange Party will not keep the peace. This is exactly the case of the Salvation Army and the Skeleton Army riots, which were the subject of a decision in the Courts of Law. The Skeleton Army said that the Salvationists should not be allowed to parade in one of your English towns. [*Interruption.*] I would advise the hon. Member opposite to take some soda water.

MR. SPEAKER: Order, order! The hon. and learned Gentleman is not here to keep order. That is my duty.

MR. T. M. HEALY: I quite recognize that that is your duty, Mr. Speaker, and I regret that I was betrayed into making the remark I did by the disorder on the other side of the House. The Government must, I think, recognize that the case with which we are dealing is governed by the law as it was laid down in the case of the Sittingbourne riots, when the Skeleton Army endeavoured to break up a meeting or procession of the Salvation Army. The Skeleton Army said that they would not allow a procession of the Salvation Army to take place. A sworn information that a breach of the peace was likely to take place was then laid before the magistrates by some of the people of the town, and the magistrates proclaimed the meetings of both the Skeleton and the Salvation Armies. The Salvationists, however, persisted in holding their meeting, in spite of the proclamation of the magistrates, and the case was then taken to the Court of Queen's Bench, which decided that they had a right to do so. That Court said, that if a man were walking peacefully down Oxford Street, and another man said that he would not allow him to do so, that would not entitle the magistrates, or the Government, to say that they would not allow either of them to walk down Oxford Street. Now that is exactly the case of the disturbances in Ulster. The Protestant Home Rulers said—"We will hold meetings, and will protest against the policy of the Government." Thereupon, the Orange Party threaten a counter demonstration, and the Government say—"We will not allow either meeting." Now I contend that the Government are not entitled to take that course, but that they are bound to give protection to lawful meetings. They are, in point of law, as much bound to do that as they are bound to protect a process-server. They are bound to protect every man in the exercise of his lawful rights, whether he is a process-server or not. The Protestant Home Rulers of Ulster have as much right to have their rights regarded and protected in the North of Ireland as the landlords and these process-servers have in the South of Ireland. If the Government say that they cannot allow the Home Rule meetings in Ulster, because they will lead to disorder, then they are bound to put down process-serving and evictions in the South, because those things lead to disorder. But the fact that they do so does not prevent evictions taking place; and then, as to them, the Government say that they will protect every man in the exercise of his legal rights; and so evictions are not only allowed to be carried out, but are protected. I think that in regard to this matter, the Government might learn a lesson from what has just happened in Canada. In spite of threatened turbulence, the Member for North-East Cork (Mr. W. O'Brien) has been allowed to hold meetings in Canada, though the Governor General was keenly opposed to him. A meeting was even allowed to be held in Toronto, although there the majority of the inhabitants were said to be adverse to the views of the hon. Member. Yet in Ireland, where you have 35,000 troops, and an unlimited force of all kinds, you say you will not allow these meetings. [*A cry of* "Divide!" *and* "Order!"] I appeal, Sir, for your protection against these disorderly interruptions from the other side of the House.

MR. SPEAKER: Order, order! The interruptions of the hon. and learned Gentleman are most un-Parliamentary. A single cry of "Order" or "Divide" is not disorderly. The hon. and learned Gentleman himself gives rise to these interruptions.

MR. T. M. HEALY: I was not aware that there was only a single cry of "Order." I thought there were several cries of "Divide." If I am out of Order, it is for you, and not for Gentlemen opposite to call me to Order. I say, and I repeat it, that in Ireland we have as much right to hold these meetings—and every man and every Party have the same right to hold them—as the landlords have to carry out their evictions. These rights depend on the common law of the country, and the Government have no right to prevent their exercise. Let me tell the Government what will come to pass if these meetings are disallowed. If one set of people, holding a particular political opinion, are allowed to say that people of another political opinion shall not hold their meetings, you will go from politics to religion. And what will happen if the people in the South of Ireland say to the Protestants in that part of the country—"We will make a protest against your celebrations. We will get up such a manifestation of force as will threaten a breach of the peace, and we will then appeal to the Government to put a stop to both demonstrations." Such a thing would strike at the root of civil government in the country. The Orangemen of Dublin now meet in peace and order, and no one endeavours to interfere with them. Under existing circumstances, you can meet indoors or out-of-doors, as you please. An Orange meeting was called only the other day, and, although it was countermanded, that was no fault of ours; if it had been held in public, it would not have been interfered with. I call on the Government to make a distinct declaration of their intentions in this matter. If they intend to suppress meetings simply because other people get up counter demonstrations, all I can say is that these counter demonstrations will then be justified by all people who consider the first meetings obnoxious to their opinions. The Government is taking a course absolutely fatal to public peace and public liberty, when they say they will protect the landlords in the exercise of their rights, but will not protect other people in the exercise of their rights. We say that our civil rights are at least equal to, if they are not paramount, to those of the other class; and we call on the Government to say that they will protect the right of public meeting, although they might have, as Sir George Trevelyan said the other day, that he had to get a small army on one occasion of 1,000 men to do it. Otherwise you will justify the assertion that your Government is a Government in the interests of the Orange organization; and if the Orange organization is allowed to say that they will put down all meetings obnoxious to them, or will prevent them being held, then it is clear that that organization will become the *de facto* Government of the country.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The hon. and learned Member has praised Lord Spencer for the course he took in regard to public meetings; but Lord Spencer never countenanced the doctrine that he has laid down to-night. The hon. and learned Member has laid down the doctrine that it is the duty of the Executive to allow any meeting or any number of meetings, notwithstanding——

MR. T. M. HEALY: No; I said that the Government are bound to allow the original meeting to be held.

MR. A. J. BALFOUR: He may have drawn that conclusion; but the proposition from which he drew it was very much wider, because he said that it was at Common Law the right of everyone to hold a meeting when and where he wished. Then, in that case, it is the right of the Orangemen to hold their meeting at the same time and place as the Home Rule meeting. I contest the whole proposition; but at present I only wish to point out that, if the proposition be true, neither Lord Spencer's theory nor his practice bore it out. The hon. and learned Gentleman has said, that whatever he and his Friends had to complain of Lord Spencer, they never complained that he interfered with liberty of speech. But Lord Spencer proclaimed no fewer than nine Nationalist demonstrations on the ground that Orange demonstrations were about to be held at the same place and at the same time. Then the hon. and Member alluded to the meeting which was not suppressed by Lord Spencer at Dungannon. He said that the circumstances were the same as they are to-day; and therefore we should not have proclaimed the meeting to-day. I do not recollect all the circumstances of the meeting at Dungannon in 1884; but the circumstances of the meeting to-day, as reported to me, were certainly not precisely similar. For I understand that the day fixed for the meeting was also a Roman Catholic holiday, a market day, and a hiring day—all circumstances which would naturally create a situation unfavourable to keeping of the peace. The hon. and learned Gentleman said that there was a Common Law right to hold meetings, and he asked me to give a pledge that the Government would protect the exercise of that right. It is, however, impossible for me, by any pledge given in this House, to place any restriction on the Government beyond that which Lord Spencer was willing to place on himself. As to that, I will read a short sentence from a letter which Lord Spencer caused to be written in 1884. In that letter it was said—

> "His Excellency cannot allow any interference with the discretion he reserves to himself, of deciding whether a meeting shall, or shall not, be allowed to take place."

I repeat this declaration of Lord Spencer on the part of the Government. But I will, at the same time, say that the Government will not allow—it is not their intention to allow—bogus meetings to be called for the sole purpose of interfering with meetings that are otherwise legal. I will only further remind the House that neither this Government, nor any Government, ever proposed to interfere with indoor meetings on behalf of any opinions. It is free to everyone to hold meetings anywhere and everywhere under cover. But there are circumstances, and there are times and occasions, when a meeting held in the open air is a direct provocation to a breach of the peace. The local magistrates are bound, under the Common Law to prevent that, and the Government will certainly back them up.

Mr. CHANCE (Kilkenny, S.): May I call the attention of the right hon. Gentleman to the fact that at the time Lord Spencer proclaimed the Nationalist meetings to which he has referred, he had a Statute which gave him power to limit the Common Law right of meeting. The right hon. Gentleman has said that the magistrates have a right to prevent these meetings; but he did not tell the House under what conditions that discretion can be exercised. I say that the right to disperse a meeting only arises when there has been illegality or an actual breach of the peace. It has been laid down in the most distinct manner by the Courts of this country, that there is no right to prevent a meeting on the score of apprehension. If there is illegality—if the notice convening the meeting declares it to be for advocating something illegal—there may be a right to prohibit that meeting. But if the meeting is called for a *primâ facie* legal object, I say there is no discretion on the part of the magistrates to disperse this meeting unless there is actual illegality committed, or there is a breach of the peace. I regret that the right hon. Gentleman has called to his assistance the Common Law of England which he has—I am sure unconsciously—stated in the most imperfect manner.

The LORD MAYOR of DUBLIN (Mr. T. D. Sullivan) (Dublin, College Green): Lord Spencer, I may remind the House, took different courses when meetings were called in the North of Ireland. At first he proclaimed Nationalist demonstrations on the ground that they were illegal, and led to a breach of the peace. Subsequently, he took the course of protecting both Nationalist and Orange demonstrations. In order to do that, he found it necessary on some occasions to send a small army to the scene of operations. On one occasion on which I was present, an Orangeman named Giffen was resisting the efforts of the military to preserve the peace, and while doing so, he received the wound from the effects of which he afterwards died. Nevertheless his death was stigmatized more than once by the Parliamentary Under Secretary for Ireland as an act of foul and deliberate murder by Her Majesty's troops. Again and again, the right hon. and gallant Gentleman has stigmatized that act in those terms. Subsequently, Lord Spencer came to a wiser determination, and adopted a much better course. That was to declare, that whichever meeting was called first in any locality, he would allow that meeting to be held, and would not allow a counter demonstration at the same place on the same day. I have not the date of that letter or proclamation of the Lord Lieutenant; but I think it will be in the recollection of hon. Gentlemen on both sides of the House that Lord Spencer did take that course, which was a wise and a proper course, and led to the preservation of peace and order in the

North of Ireland. That is the course the Government should take; for if they carry out the plan of suppressing meetings because counter demonstrations are threatened, they will throw into the hands of the Orange Society in the North of Ireland the power of suppressing the right of public meeting in that part of the country. If the Government adhere to their present policy, then if a Nationalist demonstration were called, the Orangemen would only have to send out a placard calling a meeting at the same place, on the same day, and then the Government would come to their aid, and would prohibit the original meeting. I desire to call the attention of the House to the undeniable fact, that the ultimate course adopted by Lord Spencer was to say that whatever meeting—Nationalist, Orange, or Home Rule—was first called for a particular day and place, he would allow it to be held, would protect it, and would not allow a counter demonstration at the same time and place. That is the course the Government should adopt, instead of playing into the hands of the Orange Party, by suppressing a meeting in any part of Her Majesty's Dominions on the mere issue of an Orange placard.

Mr. W. H. SMITH: I think that this discussion may now terminate. It has now lasted nearly three quarters of an hour, and it is now nearly 2 o'clock. Hon. Members opposite have had an opportunity of making their statement, to which a full answer has been given. I therefore now claim to move, "That the Question be now put."

Question put accordingly.

Motion made, and Question proposed, "That the Question be now put." —(*Mr. W. H. Smith.*)

The House *divided*:—Ayes 246; Noes 95: Majority 151.—(Div. List, No. 164.)

Question put, "That this House doth agree with the Committee in the said Resolution."

The House *divided*:—Ayes 245; Noes 79: Majority 166.—(Div. List, No. 165.)

EAST INDIA STOCK CONVERSION BILL.

(*Sir John Gorst, Mr. Jackson.*)

[BILL 267.] CONSIDERATION.

Order for Consideration, as amended, read.

Mr. CHANCE (Kilkenny, S.): I beg to move, Sir, that, considering the circumstances of this measure, the Bill should be re-committed. I observe that there are on the Notice Paper five very substantial Amendments, and it would seem, so far as I am able to judge, that a great many of them are of very considerable length. Many of the Amendments also are new, and will require careful consideration. I do think that it must appear to the Government a very fair thing, after the considerable rapidity with which the measure has been advanced, to re-commit the Bill, and amend it to-night, and report it as amended to-morrow night.

Motion made, and Question proposed, "That the Bill be re-committed."—(*Mr. Chance.*)

The UNDER SECRETARY of STATE for INDIA (Sir John Gorst) (Chatham): I hope the hon. Member (Mr. Chance) will not deny that the Amendments are of such a character as that they may be readily dealt with. I do not think that there will be any great advantage derived from re-committing the Bill, and I would appeal to the hon. Member that, in the face of the circumstances, it would be but a quite reasonable thing to allow the Bill to proceed.

Mr. CHANCE: I find, Sir, that it will be necessary to make other Amendments, and I really believe that it would not only be easier, but tending to greater rapidity in advancing the Bill should it be re-committed.

Mr. T. M. HEALY (Longford, N.): I think, Sir, that the Under Secretary of State for India (Sir John Gorst) will remember that he got us to compromise at 4 o'clock in the morning, and I believe he should now recognize that we have some claim on him, after he has got his clause. I would appeal to him that he should see his way to grant our most necessary and most modest request.

Question put, and *agreed to.*

Bill *re-committed; considered* in Committee.

(In the Committee.)

Clause 1 (Short title) *agreed to.*

Clause 2 (Power of trustees, &c., in relation to exchange of stock).

Amendment proposed, in page 1, line 28, to leave out from "the consent of such person" to "Court of Session" in page 2, line 4, and insert "such consent."

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. CHANCE (Kilkenny, S.): I am afraid, Sir, that if this alteration be made, that the clause will not read. I commend the fact to the attention of the right hon. Gentleman.

Amendment *agreed to.*

On the Motion of Sir John Gorst, the following Amendments made:—

In page 2, line 8, after "interested in the Stock or," insert "when any such person is an infant or a person of unsound mind the consent of his guardian or guardians or of the committee of his estate or curator bonis (as the case may be) or the consent;" in line 11, after "in pursuance of this section," insert "and when the holder in a joint account is an infant, or a person of unsound mind, or is under any other disability, or is beyond the seas, the other holders or holder may, with the consent of a Judge of the High Court of Justice in England and Ireland, or in Scotland of a Judge of the Court of Session, exchange in pursuance of this section such Stock or any part thereof for India Three and a-half Per Cent Stock."

"And when the holder is an infant or person of unsound mind his guardian or guardians, or the committee of his estate, or the curator bonis (as the case may be), may exchange in pursuance of this section such Stock or any part thereof for India Three and a-half Per Cent Stock."

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to.*

New Clause—

(Power to exchange stock up to £1,000 value standing in name of infant or of person of unsound mind.)

"Where the holder of Stock of less than one thousand pounds nominal value is an infant or a person of unsound mind, and no steps are taken on or before the tenth day of October one thousand eight hundred and eighty-seven for the exchange of such Stock for India Three and a-half Per Cent Stock, such exchange shall be made notwithstanding that no consent may have been given by the guardian or guardians, trustee or trustees of such infant, or by the committee of the estate or custos bonis (as the case may be) of such person of unsound mind,"—(*Mr. Kelly,*)

—*brought up,* and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

Sir JOHN GORST: What I have to say to this clause is, that though the Government would not have presumed to move such a clause, yet, if it is the general sense of the Committee that it should be inserted, the Government will raise no objection to it. No doubt, at the present time, 3½ per cent Stock and 4 per cent Stock are practically of equal value; and by this clause, if the House should think fit to add it to the Bill, these persons will have the exchange effected without any expense or trouble on their part, or on the part of those who represent them. Although the Government did not think it right for them to move the clause, neither do they feel called upon to oppose it.

Mr. CHANCE: A necessity arises for the clause, because under the Bill as it stands the holder of Stock in whose name the Stock stands, as representative of an infant or a person of unsound mind, is bound to make application to a Judge of the High Court, for an order that shall entitle the Bank to change the 4 per cent Stock into 3½ per cent Stock. This will be an expensive affair for a small income. If such application is not made, then, according to the Bill as its stands, the Stock will be paid off on October 10, 1888, and the guardians or trustees will have to make application for a re-investment of the capital. Nothing could be done previously, and the unfortunate holders of the Stock, who have not power to vary their investment, would lose probably a year's dividend and perhaps more. Now this clause says that, unless anybody takes an objection, without any expense, the 4 per cent Stock shall be converted into 3½ per cent. It does not compel a guardian to take the new Stock because he can take measures, if he chooses, to invest the capital in another way, but it gives him the option of getting the benefit of the conversion without going to any expense whatever. The clause is limited to holders of less than £1,000 Stock, to save the smaller incomes of £30 or £40 a-year from the expense of transfer. Larger incomes may be left to bear the expense; it is in the interest of poor people with incomes of £30 or £40 a-year this clause is proposed, and who without it would lose certainly half-a-year's dividend on the expenses of an application to the Court. The clause, I think, is wholly unobjectionable in principle.

Mr. TOMLINSON (Preston): It will be generally allowed, I think, that it is not possible for trustees to obtain any safe investment producing more than 3½ per cent at the present time, and that being so, it appearsto me a very reasonable clause to insert.

MR. MAURICE HEALY (Cork): I wish to know if the Mover of the clause draws a distinction between "custos bonis" and "curator bonis?"

MR. KELLY: It should be printed "curator bonis."

Question put, and *agreed to.*

Clause *agreed to,* and *added* to the Bill.

Preamble.

Amendment proposed,

In page 1, line 13, omit the words "as and for," in order to insert the words "treated as interest so as to make up a sum equal to."—(*Sir John Gorst.*)

Question, "That the words 'as and for' stand part of the Preamble," put, and *agreed to.*

Question, "That the words 'treated as interest so as to make up a sum equal to,' be there inserted, put, and *agreed to.*

Preamble, as amended, *agreed to*

Bill *reported.*

MR. CHANCE: I do not know whether, by general consent, the consideration of this Bill can be taken now?

MR. SPEAKER: It cannot be taken now; it must be taken on another day. It is a Money Bill.

Bill, as amended, to be *considered To-morrow.*

MUNICIPAL CORPORATIONS ACTS (IRELAND) AMENDMENT (No. 2) BILL.

(*Sir James Corry, Mr. Ewart, Mr. Johnston.*)

[BILL 176.] COMMITTEE.

[*Progress* 12*th May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title).

MR. SEXTON (Belfast, W.): This is a Bill of considerable importance, and a large number of important Amendments have been given Notice of, some of them, I have reason to believe, likely to give rise to considerable debate. Such a debate could not be satisfactorily taken at this late hour, and no report of the proceedings can reach my constituents and others in Ireland very much interested. I beg, therefore, to move, Sir, that you do report Progress.

Mr. Tomlinson

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Sexton.*)

SIR JAMES CORRY (Armagh, Mid): My reason for pressing forward the Bill now is to fulfil a pledge given in the House in connection with another measure. We pledged ourselves to bring forward this measure as quickly as possible, and therefore I am anxious to proceed with it at once.

MR. T. M. HEALY (Longford, N.): I hope the Committee will agree to the Motion of my hon. Friend (Mr. Sexton). There is one condition upon which we might go on now, and that is that the hon. Baronet shall not persist in his Amendment to exclude the rest of Ireland from the provisions of the Bill, applying them only to Belfast. If he can see his way not to press that, then I think we can concur, and the Bill can go through as a matter of course. We are now without the presence of any responsible Member of the Government, and that is a somewhat astonishing thing. Replying to a Question the other night, the Parliamentary Under Secretary for Ireland said that, when the Bill came on, we should have a statement of the policy of the Government thereon, and when I recalled this to the attention of the Patronage Secretary to the Treasury, and asked him what the Government would do, he unfortunately was not able to inform me. Had we persisted, we should have beaten the Government on the Motion of the Attorney General. I understand the hon. Member for South Belfast (Mr. Johnston) is opposed to the Motion of the hon. Baronet the Member for Mid Armagh, and that the hon. Member for East Belfast (Mr. De Cobain), and other distinguished Members on the other side, are opposed to the exclusion of all Ireland from the Bill. It is really an all Ireland Bill, and I am sure my hon. Friend (Mr. Sexton) would not press his present Motion if we could pass the Bill with all Ireland included in it. The municipal franchise which this Bill would extend to Ireland exists in England and Scotland, and has done so for 15 or 20 years. The Committee will not sanction this exceptional treatment of one Municipality in the face of so many professions to treat all Ireland upon equal terms with England. The right hon. Member for West Birmingham (Mr. Chamberland) is not going to exclude all Ireland from the provisions of a law that exists in England and Scotland, confining them strictly to Belfast. Absolutely, at the present moment, if there should be a necessity for a municipal election in Limerick, there is one of the wards of that borough without sufficient electors to have a contest. It would take 20 electors to have a contest; you must have 10 to fill up the nomination papers for A, and 10 more to fill up the nominations for B; and in one ward of Limerick there are only 18 electors! Under such circumstances, is it not absolutely absurd to restrict this Bill to Belfast? I think it is too absurd for anybody to consent to it. Will the Solicitor General for England (Sir Edward Clarke) vote for a Motion restricting this Bill to Belfast? If the Government are reasonable, I am sure my hon. Friend will withdraw this Motion. Give us the benefit of this extension of the law to the whole of Ireland, and you will find it will tend to facilitate the progress of Business. Will you refuse us that franchise that England has enjoyed for 20 years? When the Bill passed the second reading, it was applied to the whole of Ireland; it passed into Committee with the understanding that the Government would make a statement upon it; and now we have the Bill with the Motion of the hon. Baronet the Member for Mid Armagh (Sir James Corry) confining it to Belfast. If you pass a Coercion Bill for us, at all events give us the benefit of your English Law for the whole of Ireland.

Mr. JOHNSTON (Belfast, S.): I hope the hon. Member for West Belfast (Mr. Sexton) will withdraw his opposition, and allow this Bill to go on. As the hon. and learned Member for North Longford (Mr. T. M. Healy) said, I am entirely at one with and will vote with those who resist the distinction being made between Belfast and the rest of Ireland; but, at the same time, I trust that, whatever may be the result of a Division on the question, hon. Members will not deprive even one portion of Ireland of what unquestionably is the right of all Municipal Boroughs in Ireland—that is, to be placed on the same footing with Municipal Corporations in England. I hope the hon. Member for West Belfast will not persist with his Motion; and if there is a Division on the question, I shall certainly vote for the extension of the Bill to all Ireland.

Mr. CHANCE (Kilkenny, S.): I only wish to say that, whether the Amendment of the hon. Baronet the Member for Mid Armagh (Sir James Corry) passes or does not pass, it will make no substantial difference in the borough representation, except that it will allow a greater number of people to vote. The Orange population of the North will, for the first time, give a vote in the return of an Orange representative, and equally the Nationalist Party elsewhere will return their representatives by greater numbers.

Mr. EWART (Belfast, N.): May I be allowed to recall the exact position in which the promoters stand in regard to this Bill? At your suggestion, Mr. Courtney, the Belfast Main Drainage Bill was postponed to May 20, that is to say, our next Sitting. You made the suggestion that in the interval steps should be taken to push forward the Bill for the extension of the Municipal Franchise of Belfast, and my hon. Friend has done his best to carry out this compromise—this arrangement. This Bill was put down for to-night, to meet the convenience of hon. Members opposite; and now we are met with the request that it shall be a Bill for the whole of Ireland. [*Cries of* "It is in the Bill!"] While I sympathize with the desire for this extension, it must be obvious that it is too large a subject to be taken up now; and under present circumstances, I hope hon. Members will assist us to get the measure through, and also the Main Drainage Bill that comes on to-morrow, for I must say we are doing our best to carry out the arrangement arrived at.

Sir JAMES CORRY (Armagh, Mid): I just wish to say that it is utterly impossible to pass this measure through for the whole of Ireland. [*Cries of* "Why?"] The hon. Member himself (Mr. Sexton), in making the addition to the Belfast Main Drainage Bill, only made the extension to Belfast, and I have brought in the Bill now as the result of the compromise and undertaking I gave.

Mr. T. M. HEALY: The hon. Baronet is entirely mistaken. The majority of the Committee is not on his side; it rests here. It rests with the Liberal Unionists; but neither the noble Marquess the Member for Rossendale (the Marquess of Hartington), nor the right hon. Member for West Birmingham (Mr. Chamberlain), could vote for a Bill to restrict to Belfast the application of a law that extends to the whole of England, and that we say ought to be applied to the whole of Ireland. I challenge the noble Marquess who holds the balance of power in this House to vote for the application to Belfast alone, against the rest of Ireland, of a principle that has been the Law of England for 20 years. He would not do it; the most advanced or the most retrograde Unionist would not do it. I have several times tried to corkscrew the Government as to their intentions; but I have failed to get a reply. I have asked at Question time, and I was told I should get an answer when the Bill came on; but when the Bill comes on, the Government run away, and so this thing goes on. Will English Members support this exclusion of all Ireland? So far as the South of Ireland is concerned, it is wholly Nationalist. How will it matter then, except that you give a number of people votes who have not got them now? When Sir Charles Dilke was a Member of this House, he visited Ireland, and his Report has shown that absolutely in the City of Waterford——

The CHAIRMAN: I must remind the hon. and learned Member that the Motion is to report Progress.

Mr. FINCH-HATTON (Lincolnshire, Spalding): The Bill is one to amend the Municipal Corporations (Ireland) Act, and it is now proposed to confine its operation to Belfast. Why is it necessary to do that? I should like to know the reason?

Mr. T. M. HEALY: Still no response from the Government Bench. Here we have 10 Gentlemen representing the Government, and they have not all lost the gift of speech. It is a most unreasonable silence. We do not expect a voice to be raised in application of Scotch Law to the question. I will ask the Solicitor General for England, or the Attorney General for England, or the Patronage Secretary, or the Financial Secretary, or any other Gentleman, to rise and say what the Government are going to do? It is most unreasonable that we should go to a Division without this. I scarcely know how to vote myself. Here is a Motion to report Progress, and though I support it, I would rather see the Bill go through in its entirety. Do the Government support or oppose it? Let us have a little "light and leading."

Sir JAMES CORRY: I can only say that if there is an attempt to push it through as it stands the Bill will be dropped. [*Cries of* "Why?"]

Colonel NOLAN: The hon. Baronet (Sir James Corry) forgets that after the second reading, a Bill becomes the property of the House. But really this conduct of the Government is most extraordinary. I remember once Mr. Disraeli commented upon the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) sitting in solemn silence, but it was positive loquacity compared to the behaviour of the Government Bench now, for in that instance only one man remained silent, but here—my hon. and learned Friend the Member for North Longford has carefully counted them—and there is that silence multiplied by 10. Surely we may have an opinion expressed whether they mean to support, oppose, or remain neutral?

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.): I am not authorized to speak on behalf of the Government, nor am I able to speak as to the intention of the Government; but it does appear to me—and in this I am expressing my individual opinion—that, under the circumstances in which we find ourselves, my hon. Friend (Sir James Corry) would do well to accept the Motion that Progress should be reported. It is not a Government measure; and there is no one here entitled to speak of the intentions of the Government. I do not know what course the hon. Baronet intends to take, but I hope he will accept the Motion.

Mr. MACARTNEY (Antrim, S.): After what has fallen from several hon. Members on this side, I would appeal to the hon. Member opposite (Mr. Sexton) to withdraw his Motion. For myself I desire to see every municipal borough in Ireland included in the Bill. I do not think we ought to restrict it to any particular class. It does not appear, however, there is any hope of getting the Bill through in its entirety; and I would appeal to hon. Gentlemen who desire this extension to acquiesce in this limitation, and I am sure they will be well supported when they propose to extend it to all other Corporations in Ireland.

MR. T. M. HEALY: The extension is in the Bill now.

MR. MACARTNEY: I quite understand that; but the Motion for Progress stands in the way.

MR. DE COBAIN: I have no objection to the principle of the Bill as it stands; but we have Notice of a great number of Amendments, important in character, and requiring that careful consideration which, at this late hour, I do not think they can receive. I think, under the circumstances, it would be well to report Progress.

Question put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

House adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, 20*th May*, 1887.

MINUTES.]—SAT FIRST IN PARLIAMENT—The Lord Meredyth, after the death of his father.

PUBLIC BILLS—*Second Reading*—Accumulations (81), *discharged;* Lunacy Districts (Scotland) (82); Pluralities Act Amendment Act (1885) Amendment (96); Colonial Service (Pensions) (98).

Committee—Report—Crofters Holdings (Scotland) (90); County Courts Consolidation * (78).

Report—Irish Land Law * (106).

Third Reading—Police Force Enfranchisement * (77).

PROVISIONAL ORDER BILLS—*Committee—Report* — Local Government (Highways) * (87); Local Government (Poor Law) * (88); Local Government (Poor Law) (No. 2) * (89).

EGYPT—DURATION OF THE ENGLISH OCCUPATION—MISSION OF SIR H. DRUMMOND WOLFF.

POSTPONEMENT OF QUESTION.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): I wish to ask my noble Friend behind me (the Earl of Carnarvon), who has the following Notice on the Paper:—

> "To ask the Secretary of State for Foreign Affairs, Whether he is in a position to give any explanation relative to Sir H. D. Wolff's negotiations in regard to the English occupation of Egypt,"

to postpone it, as I am not able to give him any information at the present moment.

THE EARL OF CARNARVON: As my noble Friend desires the postponement of the Question, I shall be very glad to do as he wishes. I find that the Notice Paper on Monday is so crowded, that it would be hardly possible to find room for the Question; and therefore it will be most convenient to postpone it till Friday, the 10th of June, when I shall move for the Papers on the subject.

CENTRAL ASIA (AFGHANISTAN)—THE ANGLO-RUSSIAN DELIMITATION COMMISSION.

QUESTION.

THE EARL OF HARROWBY asked, Whether it is a fact that, in the negotiations with Russia as to the delimitation of Afghanistan, as has been recently stated in the newspapers, England and Russia have been unable to come to an agreement, or that negotiations have been broken off and the British Commissioners ordered to return to England?

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): It is true that the Commission has not yet come to an agreement; but it is not true that negotiations have been broken off; and it is not true that any orders have been sent to the British Commissioners to return to England. As far as it is possible to forecast such matters, I think negotiations are more likely to last a longer than a shorter time. The matter is one that involves considerable difficulty, in consequence of its previous history, and will involve, I dare say, a great deal of discussion between the Commissioners.

LUNACY DISTRICTS (SCOTLAND) BILL.

(*The Marquess of Lothian.*)

(NO. 82.) SECOND READING.

Order of the Day for the Second Reading read.

THE SECRETARY FOR SCOTLAND (The Marquess of LOTHIAN), in moving that the Bill be now read a second time, said, that it had not been circulated, and that if their Lordships objected, he would postpone the Motion till Monday. The object of the Bill was simply to rectify a state of matters called into existence when the Prisons Act of 1887 was passed. By the Lunacy Act of 1857, powers were given to the General Board of Lunacy sitting in Edinburgh to alter lunacy districts; but the initiative rested in the General Prisons Board, which General Prisons Board was done away with by Section 69 of the Prisons Act of 1877. Consequently, there was now no authority to take the initiative in altering or varying, however desirable it might be, a lunacy district in any part of Scotland. This Act was simply to give to another Body, or, rather, to other Bodies—to the Commissioners of Supply of counties, to magistrates of burghs, and to Parochial Boards—power to apply to the General Board of Lunacy to alter or vary existing lunacy districts. Under the Act of 1857, the General Board had only power to make the districts areas consisting of not less than of counties, or of burghs; and it was now proposed, where the population was greatly increasing, to enable the Lunacy Board to make less districts than those allowed by the Act of 1857. The Bill did not propose any alteration of the existing law, and although it had not yet been printed and circulated, he hoped that their Lordships would now assent to the second reading.

Moved, "That the Bill be now read 2ª."—(*The Marquess of Lothian.*)

The Earl of WEMYSS said, he thought it would be establishing a bad precedent to allow a Bill which their Lordships had not seen to be read a second time.

The Marquess of LOTHIAN said, he would remind the noble Earl that when he (the Marquess of Lothian) got up to move the second reading, he put himself in their Lordships' hands, and offered, if the course he proposed was inconvenient, to postpone the second reading until Monday. Receiving no answer, he concluded he had the consent of the House to proceed.

In reply to The Earl of Wemyss,

The Marquess of LOTHIAN said, the Bill had been presented 10 days ago.

Motion *agreed to;* Bill read 2ª.

The Marquess of Lothian

PLURALITIES ACT AMENDMENT ACT (1885) AMENDMENT BILL.—(No. 96.)

(*The Lord Bishop of Bangor.*)

SECOND READING.

Order of the Day for the Second Reading read.

The Bishop of BANGOR, in moving that the Bill be now read a second time, said, that its object was to repeal a portion of Section 2 of the Pluralities Acts Amendment Act, 1885, in order to restore to the Bishops of St. Asaph, Bangor, Landaff, and St. David's the power which was formerly possessed by them to require such ministrations in the Welsh language as they might think necessary in benefices within their respective dioceses, and which he contended the Act of 1885 had unduly limited. The desire was to enable the Bishop to arrange for two Welsh services each Sunday in parishes where such supply was necessary, and not to be obliged to limit the services to one conducted in Welsh and one in English. The right rev. Prelate moved the second reading of the Bill.

Moved, "That the Bill be now read 2ª."—(*The Lord Bishop of Bangor.*)

Amendment *moved*, to leave out ("now") and at the end of the Motion to add ("upon this day six months.")—(*The Earl of Powis.*)

The Bishop of St. ASAPH, in supporting the Motion for the Second Reading, said, that he regretted very much to be obliged to differ from the noble Earl, who was so staunch a friend to the Church in Wales; but he did so because the existing Act was the cause of much discontent among the Welsh-speaking population of Wales. It was impossible for the Church to maintain a hold on the population in Welsh parishes with only one service in the Welsh language per day. They were anxious to correct the abuse, and the Bishops should be allowed freedom to arrange for two services in Welsh, and they should be trusted to make the necessary provision also for the English-speaking people. If the Bishops were not permitted to give two Welsh services each Sunday, the result would be that the people would be driven more and more into the Dissenting chapels. If the present Act were to remain in force without being amended as was now proposed, it would do more than anything else to promote the present movement for Disestablishment.

THE EARL OF CARNARVON was understood to draw the right rev. Prelate's attention to the wording of the section of the Act which the Bill sought to amend, and pointed out that under the section as it stood there was no compulsion on the Bishops as the right rev. Prelate seemed to contend; but that it was optional to him to enforce one service, leaving the other service to be a matter of agreement between him and the incumbent.

THE EARL OF KIMBERLEY said, he should like to have some expression of opinion from the Government with regard to the Bill.

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) said, his impression with respect to the Bill was certainly in its favour; but he should propose that after the second reading some time should be given for consideration, in order to see whether any and, if so, what Amendments ought to be introduced in Committee.

On Question, That ("now") stand part of the Motion? *Resolved* in the *negative.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

SCOTLAND—HILLHEAD AND KELVINSIDE (ANNEXATION TO GLASGOW) BILL—THE BOTANIC GARDENS AND THE UNIVERSITY.

OBSERVATIONS. QUESTION.

THE EARL OF STAIR, in rising to call attention to the consequences of a recent decision of a Committee of that House on the Hillhead and Kelvinside (Annexation to Glasgow) Bill as regards the Botanic Institution of Glasgow and the interests of the University of Glasgow and the public generally therein; and to inquire, Whether Her Majesty's Government will adopt such action as may be necessary to preserve the Gardens from being closed and the site appropriated to buildings and other purposes? said, the object of the Bill in question, which had come up from the Commons, the Preamble having been proved, but the Bill itself being thrown out by a Committee of their Lordships' House, was to annex the two small burghs of Hillhead and Kelvinside, a district which embraced the Botanic Gardens, which were 25 acres in extent. These Gardens, by the Bill, were to be transferred to the Corporation of the City of Glasgow, and were to be maintained by the Corporation in perpetuity as a public park. The Botanic Gardens Institution had got into financial difficulties recently, so much so, indeed, that it was necessary to get loans from the Corporation of Glasgow on the security of the land. These loans amounted, with interest, to between £46,000 and £50,000, and the Corporation of Glasgow had, in consequence of the rejection of the Annexation Bill, been forced to foreclose, and the Gardens passed into their hands on 1st April last. These Gardens were situated near to the University of Glasgow, connected with which there was a medical school attended by a very large number of students amounting in 1885 and 1886 to 694, of whom over 200 attended the Botanical classes. It was incontestable that a Botanic Garden, with proper appliances, was a *sine quâ non* to the successful study of science. As the matter now stood, however, the Corporation of Glasgow were unable to continue the maintenance of these important Gardens, and there seemed to be only one course open, which he believed was, that the Gardens should be disposed of by sale for building purposes. That would, unfortunately, involve the destruction of the plant and glass houses recently erected at a cost of £20,000, and would also involve the dispersion of very valuable collections which had been accumulated during the pas 50 years. He need hardly say that would be most detrimental to the interests of the University of Glasgow. He might also say that the Universities of Oxford, Cambridge, Dublin, and Edinburgh had Botanic Gardens, which were made use of regularly for the benefit of their medical students, and for which public grants were received in the case of Edinburgh, amounting to an annual sum of £1,600. For these reasons he had put the Question standing in his name on the Paper, and would appeal to the Government to take the case into their favourable consideration. He wished to make an acknowledgment due to the Corporation of the City of Glasgow, by stating that although these grounds were not available to the public just now, they had kindly made arrangements by which the students had access to them during the summer session.

THE EARL OF NORTHBROOK said, he was Chairman of the Committee before which the Bill referred to had been considered. The real object of the Bill was to secure the annexation of districts in the West End of Glasgow, which included the Botanic Gardens, and the Committee had decided that it should not proceed. Though his own individual opinion was in favour of the Bill proceeding, he was bound to say that the other Members of the Lords Committee gave the most careful attention to the subject, which was one of very great difficulty, and one on which a great deal might be said on both sides. The particular point raised by the noble Earl (the Earl of Stair) was, as he understood it, not on the merits of the general question raised by the Bill, but on the particular question of the Botanic Gardens. So far as he could gather from the noble Earl, it seemed that the Corporation of Glasgow, having lent money to the Botanic Gardens, they now proposed to sell the Gardens for building purposes. He (the Earl of Northbrook) could only say he hoped that the Corporation of Glasgow would not take that course. It did not appear to him that it was at all necessary; because they had already, as stated in the Preamble of the Bill, powers, under a previous Act, to arrange with the Trustees of the Botanic Gardens to take over the Gardens as a public park, and though it might be necessary in order to carry out that arrangement that some further legislation should take place, he could not think that the Corporation of Glasgow would find any difficulty in getting the sanction of Parliament to any such proposal. It might be said, certainly, that the district of Hillhead which lay between the University and the Gardens, not being annexed to Glasgow, it would be unfair to put the charge of the Botanic Gardens upon the City of Glasgow, while the people of Hillhead made no contribution towards the maintenance of the Garden; but the Committee had distinctly before them the statement of the Commissioners of Hillhead, that they were prepared to agree to any reasonable arrangement for rating the population of Hillhead in upport of the Gardens in question. He did not think, therefore, that the Corporation of Glasgow would be justified, in consequence of the rejection of the Bill by their Lordships' House, in taking a step so very detrimental to the public interest as to sell the Gardens for building purposes. Before the Committee they had evidence from most distinguished Professors of the University, which entirely supported the statement of the noble Earl, of the great educational value of the Gardens, besides their value as a place of relaxation. Therefore, he trusted that some measure would be adopted to prevent so undesirable an act as that these Gardens should be utilized for building purposes.

THE DUKE OF ARGYLL said, his attention had been called some time ago to the question how far it was important to annex outlying suburbs. His opinion, generally speaking, had always been that such suburbs, which were really part of a city, ought to resist annexation to a neighbouring town. Their general object was to escape the increased taxation involved, and he must say it was a legitimate object. But he must also say in this case, that two years ago, on looking into the facts, he said that Glasgow was quite entitled in going in for the annexation of those districts which were so thoroughly identified with the city, and were so thoroughly part of the city that annexation was necessary. One of the questions involved in the Bill was the support of the Botanic Gardens, one of the most valuable institutions in the district. The Gardens stood adjacent to the University, and were extremely important to the Medical School of the University. The citizens of Glasgow ought to think twice before they closed these valuable Gardens. He understood the people of the district were willing to bear a share of the maintenance of these Gardens, and he hoped, in the meantime, some arrangement might be made by which they would continue to be supported.

THE MARQUESS OF TWEEDDALE said, that having taken some interest in the Bill referred to by the noble Earl who had just put the question (the Earl of Stair), perhaps he might be allowed to say a few words. He did not propose to enter into the question of the desirability, or the contrary, of annexing the outlying burghs to the City of Glasgow, for that was not now before the House. Suffice it to say that the decision of the Committee of their Lordships' House had his entire concurrence, and was, indeed, in conformity with no less than four former decisions on the same subject. In regard to the maintenance of the Gardens, there was no ground for the statement of the noble Earl that there was only one course open to the Glasgow Corporation. The noble Earl who had just spoken (the Earl of Northbrook) referred to a proposal made by the burgh of Hillhead during the time the Bill was before the House, and repeated since, that the burghs of Hillhead and Kelvinside should contribute to their maintenance. The noble Earl did not state what that proposal was; and he (the Marquess of Tweeddale), therefore, begged to state it. The sum required to maintain the Gardens and pay the interest of 3½ per cent on the Glasgow Corporation's loan was £3,000 per annum. Now, of that it was proposed that the burghs of Hillhead and Kelvinside should contribute £2,000, and the Corporation of Glasgow £1,000. In other words, a community of 15,000 persons were willing to contribute £2,000 a-year, as against £1,000 a-year by the 500,000 inhabitants of Glasgow. He thought that would be admitted to be a most reasonable proposal; and it was impossible, in the face of it, and of the power which the Corporation already possessed, under the Act of Parliament before referred to, enabling them to purchase the Gardens, to contend that they were compelled to foreclose the mortgage and sacrifice the Gardens. It would almost eem as if the Corporation feared to loose the lever which the mortgage gave them wherewith to coerce the small burghs into annexation. At any rate, there seemed no solid ground or good reason for the extreme step which the Corporation appeared inclined to take.

THE SECRETARY FOR SCOTLAND (The Marquess of LOTHIAN) said, that the Government would view with the greatest possible regret the abolition of the Botanic Gardens. Unlike the noble Duke, he had no personal acquaintance with the situation of the Gardens; but, from what he had been able to learn respecting them, it appeared to him that the maintenance of the Gardens was not only a question of great importance to the City of Glasgow, but also to the University. Every facility had been afforded, he believed, to the students of the University of Glasgow for making use of these Gardens; and it would be a distinct blow to the University, and it would handicap it in its relations as regarded the other Universities of Scotland, if these Gardens were abolished. Apart from that question, there was another which seemed to him to be of great importance—namely, this—that these Gardens were started about 70 years ago, and they had been growing and increasing in value from that time to this. Their area, he believed, was only short of Kew; and in extent they were, in fact, the second of the kind in the United Kingdom. The collection of plants they contained was in itself invaluable; but, if sold, it would bring nothing like the real value. As regards the suggestion of his noble Friend (the Earl of Northbrook), he must confess it seemed to him it was in the power of the City of Glasgow, as he understood, to promote some other Act which would enable trustees to take over the Gardens under the Glasgow Parks Act. In fact, by Clause 28 of last year's Act, the City of Glasgow would be able to take over the Gardens as a public park, and maintain them in the interests of the district. On the part of Her Majesty's Government, he would say, although they took very great interest in the question, he was afraid, as the noble Earl (the Earl of Stair) had not made any suggestion as to what course the Government should pursue, he could not make any suggestion himself. He could only say this—that if any practical suggestion could be made by the noble Earl, or by anyone else, by which these Gardens could be maintained, Her Majesty's Government would take it into their serious consideration, and would be very glad if, by any means, that object could be attained.

COLONIAL SERVICE (PENSIONS) BILL.

(*The Earl of Onslow.*)

(NO. 98.) SECOND READING.

Order of the Day for the Second Reading read.

Moved, "That the Bill be now read 2^a."—(*The Earl of Onslow.*)

LORD LAMINGTON said, he had been very glad to see that one result of the Colonial Conference had been that a step had been taken in the right direction by the Government in connection with this matter. It had always been a matter of the greatest regret to him, taking the interest which he did in the Colonial Service, that no class had been more neglected than those employed by Her Majesty's Government in the Colonies. Twenty years ago it had been left to him, as a private Member, to introduce a Governors' Pension Bill; until that period no Governor had received any pension at all. The Bill which he had introduced had been very considerably changed during its progress through Parliament, the period of service having been altered from six years to 18. He would endeavour to introduce some Amendment in the present Bill; and he trusted that now, when the public interest in Colonial matters was so great, justice would be done to those who served in the Colonies.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* the 14*th of June* next.

LITERATURE, SCIENCE AND ART— THE NATIONAL PORTRAIT GALLERY.

OBSERVATIONS.

Lord LAMINGTON, in rising to call the attention of Her Majesty's Government to the position of the National Portrait Gallery, said, he wished to remind their Lordships that two years ago, when Mr. Gladstone had been Prime Minister, the Trustees of the Gallery had agreed to allow the portraits to be removed from South Kensington to Bethnal Green, Captain Shaw having reported that they were not safe in South Kensington. That, however, had been done upon the distinct understanding that in two years' time they would be replaced in a proper position. The two years had now elapsed, and the pictures were still at Bethnal Green; nothing had been done, and apparently nothing was intended to be done. He (Lord Lamington) had objected to the step that was taken at the time, as he thought that a great injustice was done to those families who had given pictures to that most interesting and valuable Gallery, in which the public took so great an interest that 160,000 persons had visited it in the year before its removal from South Kensington. The Collection was really lost now in a general Museum, the visitors to which took little interest in historical portraits. For his own part, he deeply regretted the mode in which public works were now carried on in this country, and the utter lack of public spirit which seemed to prevail. Nothing, for instance, had yet been done with regard to Parliament Street, and the value of the property was increasing year after year. Such a method of conducting improvements, instead of being economical, was most expensive. In the case of the National Portrait Gallery, however, distinct obligations had been entered into by the Government two years ago, and the present Government were bound to carry out the pledges given by Mr. Gladstone's Government. He trusted, therefore, that Her Majesty's Government would give them an assurance that something would be immediately done.

Viscount HARDINGE said, he was very glad that attention had been called to the subject, for he thought there seemed to be some probability of the Collection remaining at Bethnal Green now that it had been removed there. The fact was that many necessary things were left undone that ought to be done in consequence of having to square a popular Budget. The National Portraits had been driven from pillar to post in an unaccountable manner. First, they were in very bad rooms in Great George Street; then they were transferred to South Kensington, and placed over Spiers and Pond's refreshment establishment; then the fire occurred, when they were removed to Bethnal Green, on the distinct understanding that in two years provision was to be made for their reception in a permanent and central home. Mr. Plunket was most anxious that a permanent site should be granted for the Portrait Gallery. He had suggested the site next the India Office, but was always met with difficulties, on the score of expense, by the Treasury. The present Offices where the Board conducted their ordinary business were very small, and it was very desirable that some temporary accommodation should be found for exhibiting those pictures which from time to time were purchased, and which could not be removed to Bethnal Green. Under these circumstances, he earnestly hoped that the Government would take up the matter seriously, and that no further delay would take place in providing a suitable receptacle for the National Portraits.

THE EARL OF ELGIN said, that he had stated last year that the difficulty arose partly from want of funds, but also from the impossibility of dealing with sites in possession of the Government until the position of the new Government Offices was determined. He would point out, however, that at the present time there was a considerable plot of vacant land belonging to the Government in close proximity to the National Gallery, in the new street near Charing Cross; and he would suggest that it might be used with advantage as the site for the National Portrait Gallery.

LORD HENNIKER said, the noble Lord (Lord Lamington) would, no doubt, recollect an answer he gave to a Question on this subject in August, 1885. It was then considered that the Gallery in which the National Portraits were housed were unsafe. Several proposals were made, such as to place it in the West Gallery, to place it in the Natural History Museum, and so on. No place, however, was found to be available. It would be remembered that some of the Galleries at South Kensington were the old Galleries of the Exhibition of 1862. The South Gallery, where the pictures were placed, was pronounced unsafe, and so was the West Gallery. The East Gallery was devoted to the Indian Museum, facing Prince's Gate, and so was not available. Accordingly, the Collection was moved to Bethnal Green as the safest and best place, and where it was not only not wasted, but likely to be fully appreciated. To show that it was appreciated, he might say that, taking 10 years, 1876 to 1885 inclusive, the largest number of visitors at South Kensington was, in 1883, 146,187; while to take the last complete year at South Kensington and the only complete year at Bethnal Green—that was, 1884 and 1886—the numbers were in 1884 120,716, and in 1886 446,722. It must be recollected that the portraits were moved in September, 1885, and that the present was the month of May, 1887, so he could give no better comparison. In 1885 he stated that the First Commissioner of Works could give no pledge as to finding a permanent home for this Collection, but expressed his desire that a home should be found as soon as possible. He was glad his noble Friend had called attention to this question, and he was sure that no one was more anxious than his right hon. Friend the First Commissioner to find a permanent home for this valuable Collection. The noble Lord would recollect that the Office of Works depended a great deal on the favour of the Treasury. At present there were large schemes on foot for erecting public buildings, which were hung up for the time. This altered the circumstances of the case very much. The Office of Works could not take too many large schemes in hand at a time; and all he could say was that when an opportunity offered and Parliament granted the necessary funds—which he hoped they soon would—the plans would be ready. No plan had been decided on at present. The noble Earl (the Earl of Elgin) had spoken of the site in Hemming's Row. This had been most carefully considered, but there were grave objections against it. No doubt the suitability of this site would be carefully considered again when the proper time arrived. He stated in 1885 that the housing of the pictures at Bethnal Green was a temporary loan, and he thought that this should be distinctly understood—that they were only there till a permanent home could be provided. Meanwhile, they were in the safest and best place that could be found, and he thought he had clearly proved that they were not thrown away in their present position.

SITTINGS AND ADJOURNMENT OF THE HOUSE.—THE WHITSUNTIDE RECESS.—QUESTION.

In answer to The Earl of KIMBERLEY,

THE MARQUESS OF SALISBURY said, the House would adjourn on Monday next, subject to certain formal Business from the House of Commons; but, practically, it would be on Monday; and it was proposed to meet again on Thursday, the 9th of June. He was aware that it was usual to meet on a Friday; but as they never did much on the first day except to put down Notices for other days, he thought they might utilize the 9th for that purpose.

House adjourned during pleasure.

House resumed.

The Lord KINTORE chosen Speaker in the absence of the Lord Chancellor and the Lords Commissioners,

BUSINESS OF THE HOUSE.

Standing Order No. XXXV. to be considered *To-morrow* in order to its being dispensed with for the remainder of that day's Sitting.

House adjourned at half past Six o'clock, till To-morrow, Four o'clock.

HOUSE OF COMMONS,

Friday, 20*th May*, 1887.

MINUTES.]—Select Committee — *Report* — London Corporation (Charges of Malversation) [No. 161]; Forestry, *nominated.*

Private Bills (*by Order*)—*Considered as amended* —Great Eastern Railway (*re-comm.*)

Third Reading—Midland Great Western Railway of Ireland, and *passed.*

Lords Amendments — Belfast Main Drainage, Consideration *deferred.*

Public Bills — *Ordered* — *First Reading* — Conveyancing (Scotland) Acts Amendment * [270].

Second Reading—Referred to Select Committee—Public Parks and Works (Metropolis) [136].

Committee—Criminal Law Amendment (Ireland) [217] [*Eleventh Night*] — r.p.; Deeds of Arrangement Registration [231]—r.p.

Committee—Report — First Offenders (*recomm.*) [189]; Municipal Corporations Acts (Ireland) Amendment (No. 2) [176].

Committee — *Report* — *Third Reading*—Duke of Connaught's Leave [228]; Truro Bishopric and Chapter Acts Amendment * [205], and *passed.*

Considered as amended — *Third Reading* — East India Stock Conversion [267], and *passed.*

Provisional Order Bills — *Ordered* — *First Reading*—Local Government (No. 4) * [269].

Considered as amended—Commons Regulation Ewer) * [237].

Third Reading—Commons Regulation (Laindon) * [238], and *passed.*

PRIVATE BUSINESS.

MIDLAND GREAT WESTERN RAILWAY OF IRELAND BILL (*by Order*).

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Dodds.*)

Mr. COX (Clare, E.): I do not rise for the purpose of offering any opposition to the third reading of the Bill. I did not do so yesterday, and all that I wish now is to direct the attention of the hon. Baronet the Member for South St. Pancras (Sir Julian Goldsmid) and the House to certain grave charges and serious imputations which have been made upon his character as Chairman of a Committee of this House, with which I was associated, in dealing with the Bill now before the House. I will not detain the House for many minutes; but it will be necessary for me to state, shortly, how these charges came to be made. This Bill, when it was before the Committee, was opposed by the Limerick and Waterford Railway Company, of which Mr. Spaight is Chairman, and the statements of which I complain are contained in a speech made by that gentleman at a meeting of the Limerick Harbour Board, over which he presided, and in a letter which Mr. Spaight wrote on the 9th of May. The importance of these accusations consists in the fact that Mr. Spaight occupies a very important position in the City of Limerick. As I have said, he is not only Chairman of the Limerick Harbour Board, but also Chairman of the Limerick and Waterford Railway Company, who opposed the Midland Great Western of Ireland Railway Bill. Speaking at Limerick, Mr. Spaight said—

> "Mr. Grierson, manager of the Great Western Railway, gave important evidence; but he was not listened to. The Chairman, Sir Julian Goldsmid, absolutely turned aside, put his arms over the back of his chair, and affected to go to sleep. From the very commencement of the inquiry the Chairman seemed to have made up his mind on the question. He knew from the start that they had no chance owing to the apparent bias of the Chairman."

Speaking of the evidence, Mr. Spaight characterized it as laughable and absurd; but said that it seemed to have considerable weight with the Committee, or rather with the Chairman, who appeared to be the Committee. Later on he said—

> "It was the duty of Limerick men to make some final effort to get themselves heard before the House of Lords' Committee, where they would get a fair and impartial hearing;"

implying, in so many words, that they had not received an impartial hearing at the hands of the Committee presided over by the hon. Baronet, and thereby casting a serious reflection upon the hon. Baronet and the Committee. I will now read an extract from a letter written on the 9th instant by Mr.

Spaight to *The Daily Express*, containing more serious charges against the character of the hon. Baronet—

> "We complain," says Mr. Spaight, "that the Chairman of the Committee held and expressed such a strong feeling in favour of the promoters and against the Petitioners from the opening of the case, that everyone who listened to the proceedings was quite satisfied, from the first day, what the decision would be. Our opponents will, I think, admit that such was the general impression,"

thereby imputing that the hon. Baronet had made up his mind as a partizan of the Midland Company. Now, I was an opponent of Mr. Spaight on that occasion; but his evidence was attentively listened to. It is not for me to defend the character of the hon. Baronet; but, having attended the Committee, I am decidedly of opinion that the hon. Baronet's conduct was fair and impartial. He gave, I think, a very fair and a very attentive hearing to the whole case. In submitting the case to the House, I do not propose to suggest any particular line of action. I have considered it my duty, as my attention has been directed to the subject, to bring it before the House. I think it is a great hardship and a serious matter that any Committee of this House should be liable or open to an attack by the promoters or the opponents of any Bill that may come before the House simply because they have happened to be unsuccessful. I do not propose to make any Motion on the matter; but, having brought the question under the attention of the House and the hon. Baronet, I will leave the House to deal with it as it thinks best.

Sir JULIAN GOLDSMID (St. Pancras, S.): Copies of the letters written by the gentleman referred to were sent to me from time to time; but I thought they were very little worthy of notice, and that the best plan I and the Committee could adopt was to ignore them altogether. The gentleman who wrote them was formerly a Member of this House, and, therefore, knows something of the duties of the House. I myself have served as Chairman of many Committees; but I have never maintained that Committees are infallible. I am free to admit that they sometimes make mistakes, and, as far as I am concerned, I may sometimes be right and sometimes be wrong. In this case, however, I consider that the Committee arrived at a right decision. This gentleman, Mr. Spaight, has no ground of complaint whatever. It so happened that he attacked personally several witnesses who came before the Committee on account of the evidence he gave, and it became my duty as Chairman to call him repeatedly to Order. I think he did not like it, and the result is that he has amused himself by writing these letters. Under these circumstances, as far as the Committee is concerned, I do not think it necessary to take any further notice of the matter.

Mr. CHANCE (Kilkenny, S.): I wish to ask you, Sir, whether—as this question has been raised, and the House is not asked to come to a decision upon it on the ground that it is scarcely of sufficient importance—whether you think it is proper or right that persons examined either in support of or against a Private Bill should, after the inquiry was over, go away and make at public meetings, or in the newspapers, attacks upon the conduct or character of the Gentlemen who have been sitting on the Committee? I understand that Members serving on a Private Bill Committee have the same right to the protection of the House as they have when discharging their duty in the House itself, and that, under such circumstances, an attack made upon the Members of a Private Bill Committee is equivalent to an attack made upon the House itself.

Mr. SPEAKER: In substance the view of the hon. Member is perfectly correct. An attack made upon the Members of a Committee is equivalent to an attack made upon the House itself. No witness has a right to go away from a Committee Room and then impugn the character of the Gentlemen who compose the Committee. The hon. Member for Clare (Mr. Cox) was good enough to show me the grounds of his complaint before bringing it under the notice of the House. I think he was undoubtedly right in bringing it under the attention of the House, and having done that I am of opinion that the charges are of such a nature that I think the House may well take no further notice of the matter.

Question put, and *agreed to.*

Bill read the third time, and *passed.*

BELFAST MAIN DRAINAGE BILL

(*by Order*).

LORDS AMENDMENTS. [ADJOURNED DEBATE.]

Order read for resuming Adjourned Debate on Question [28th April], "That the Lords Amendments be now taken into consideration."

Question again proposed.

Debate *resumed.*

Mr. SEXTON (Belfast, W.): I find it necessary to ask the House to agree to the further adjournment of the debate. When the question last came up, about three weeks ago, on the 28th of April, the adjournment of the debate was ordered, because the House of Lords had struck out of the Bill a clause extending the franchise of the town of Belfast. We felt in the House that it was necessary to give the ratepayers control over the execution of this scheme of main drainage, seeing that it involved an expenditure of £500,000. The clause struck out of the Bill in the House of Lords provided the necessary machinery for conferring this control upon the ratepayers, and it was felt that until some steps could be taken to extend the local government of Belfast so as to give the general body of ratepayers, not only control over the execution of the works, but also some control over the expenditure connected with the scheme, it was undesirable to pass the measure itself. The object of the adjournment was to afford time to both Houses of Parliament to consider the question of the extension of the franchise in a more regular manner in regard to the various boroughs of Ireland. I moved on that occasion the postponement of the consideration of this Bill until the 20th of July, because I felt that, having regard to the state of Public Business, an adjournment for three weeks would be insufficient for the purpose. But, in deference to the suggestion of the Chairman of Ways and Means, I amended the proposal by moving that the debate should be adjourned until the present day; but, as I then anticipated, the interval which has elapsed has been insufficient for the purpose. The Franchise Bill of the hon. Baronet the Member for Mid Armagh (Sir James Corry) has not yet left the House of Commons, although it has reached the Committee stage. It came on this morning at 3 or 4 o'clock, far too late to enable the House to consider the Bill, and in the absence of the Members of the Government who were competent to deal with the question. If it had not been for that circumstance, the Bill might have been passed through Committee this morning, and have been down for a third reading to-day. I hope that it will pass through Committee to-night, and go up to the House of Lords before the holidays, so that before the date which I originally fixed—the 20th of July—it may be passed into law. But if we proceed to-day to discuss the Lords' Amendments, I shall be compelled to move that the House disagree with them *seriatim*, and I shall be obliged to make each of them the subject of a Division.

Mr. SPEAKER: I am sorry to interrupt the hon. Member, but I must point out that he has already spoken on the Motion before the House.

Mr. CONWAY (Leitrim, N.): I beg to move that the consideration of the Lords' Amendments be postponed until the 20th of July.

Mr. T. M. HEALY (Longford, N.): Upon the point of Order, Sir, may I ask whether an hon. Gentleman who moves the adjournment is not capable of continuing the discussion on another occasion?

Mr. SPEAKER: No. The hon. Member who moved the adjournment has exhausted his right, having already addressed the House. May I also point out that the date moved by the hon. Member for Leitrim is a rather distant one? I had, on another occasion, to rule that the postponement of a Bill until so late a date as that would virtually defeat the measure. I would, therefore, ask the hon. Member to propose a nearer date, in accordance with the ordinary practice of the House.

Mr. CONWAY: In compliance with your suggestion, Sir, I will move that the debate be adjourned until the 20th of June.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "on Monday 20th June."—(*Mr. Conway.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. EWART (Belfast, N.): I shall oppose that Motion. When this Bill was last before the House the hon. Member for West Belfast (Mr. Sexton) moved the adjournment until the 20th of July, on the ground that the House, in the interval which would elapse, would pass the Bill for the extension of the franchise, whereupon the Chairman of Ways and Means proposed that the consideration of the Lords' Amendments should be postponed until the 20th of May—this day—in order that, in the interval, steps should be taken to push forward the Bill which then stood in the name of my hon. Friend the Member for Mid Armagh (Sir James Corry). Since then my hon. Friend has entered into an engagement to limit the provisions of that Bill to the borough of Belfast, and that engagement has been accepted by Members on this side of the House, and by certain hon. Gentlemen opposite. In the interval which has elapsed my hon. Friend has done everything that was possible to carry out that arrangement. The Bill has been blocked, and has met with opposition in several quarters; but, acting in good faith, with a sincere desire to carry out the arrangement now come to, my hon. Friend succeeded in getting the block removed, and the Bill came before the House last night. [Mr. Sexton: No; this morning.] Or, rather, this morning. The Bill was again opposed by hon. Gentlemen opposite, on the ground that it limited the extension of the franchise to the borough of Belfast. Hon. Members below the Gangway contend that all Ireland should be included; but I may point out that my hon. Friend the Member for Mid Armagh would not have succeeded in getting the block removed, and thereby would not have been enabled to bring the Bill on at all last night, unless he had entered into the understanding that the provisions of the measure should be limited to the borough of Belfast. Unless my hon. Friend had done that, it would have been simply impossible to bring the measure forward; and, under these circumstances, it would be dishonourable on our part to give any aid to any measnre which goes further than the extension of the municipal franchise to the borough of Belfast. For these reasons, I feel it impossible to accede to the Motion of the hon. Member for Leitrim. The Bill for the extension of the franchise will come before the House this evening; and hon. Members, if they are willing to carry out the arrangement suggested by the Chairman of Ways and Means, will be able to make progress with the Franchise Bill to their hearts' content.

Mr. M. J. KENNY (Tyrone, Mid): When the question was previously before the House I took occasion to point out the danger of allowing this Bill to leave the House of Commons until such time as we had previously secured the passage of the Municipal Franchise Bill. Now, Sir, since then the Municipal Franchise Bill has undoubtedly made very considerable progress, and there is no reason to doubt that it will pass this House in the course of a very few days. Under these circumstances, we are bound to ask whether the Municipal Franchise Bill will receive the same consideration in "another place" as it has received at our hands? Therefore, I think it is our duty to suspend the Belfast Main Drainage Bill until we have satisfied ourselves that that Bill has been passed in "another place." We have repeated precedents of such a course. We have the precedent of the Lords themselves, who have frequently suspended a Bill in that House pending the passage through this House of other Bills. Therefore, I think it is a precedent on which we may fairly act in this House also. It has been proposed by my hon. Friend the Member for Leitrim to adjourn the debate upon this Bill until the 20th of July; but you, Sir, said that so long a postponement would have the effect of killing the Bill, and, acting upon your suggestion, my hon. Friend withdrew the original Motion, and substituted the 20th of June. The House is now about to adjourn for a fortnight; it will re-assemble on the 6th of June, and there will only be a space of 12 days, or less than two weeks, left with which any progress can be made with the Municipal Franchise Bill. I do not know whether the Town Council of Belfast will meet more than once or twice during that space of time, and I certainly fail to see how any rapid progress is to be made with the Bill before that date. As a matter of fact, the hon. Member for North Belfast (Mr. Ewart) would absolutely lose nothing by acceding to the Motion of my hon. Friend; because considering the time of year we have now arrived at, and the Recess which is about to take place, I cannot conceive how any further progress is to be made with the Main Drainage Bill, although it may be possible, on the other hand, to make material progress with the Municipal Franchise Bill. Under these circumstances, as the hon. Gentleman cannot possibly be injured by the Motion of my hon. Friend, and seeing that the interests of those persons who are connected with the Main Drainage Bill cannot be damnified by a further postponement, I hope the hon. Gentleman opposite will have the grace to withdraw his opposition to the Motion of my hon. Friend, and not put the House to the trouble of a Division.

Mr. JOHNSTON (Belfast, S.): I also feel it my duty to oppose the Motion. It will be in the recollection of hon. Members that the influence of the hon. Gentleman the Chairman of Ways and Means induced the House to consent to the adjournment of the Bill until this day. It will be a serious inconvenience and a great loss to the town of Belfast if there is any further postponement. The state of the Lagan River at the present moment is a disgrace to Belfast, and is a crying evil. The Belfast Town Commissioners have passed a Resolution almost unanimously, for I believe there were only two dissentients, calling upon this House to consent to this Bill without any further delay. I hope, therefore, the House will consent to the Bill without any further postponement. Not only have the Town Commissioners of Belfast passed a Resolution in favour of the Main Drainage Bill, but another influential body has given its support to the scheme; and I think that is a sufficient proof that the people of Belfast want it. The Franchise Question has made considerable progress in this House, and if it has not made more progress hon. Members will be aware that that fact has not been owing to any action on the part of the promoters of the Main Drainage Bill. The municipal franchise would have been conferred by this House on the people of Belfast but for the opposition given to this Bill last month by the hon. Member for West Belfast (Mr. Sexton), who, notwithstanding the sympathy he has frequently expressed in this House towards the extension of the franchise to the people of Belfast, took the extraordinary course last night of opposing the Franchise Bill.

Mr. SEXTON: I gave no opposition whatever to that Bill last night.

Mr. JOHNSTON: You certainly moved to report Progress.

Mr. SEXTON: No doubt, but it was at 3 o'clock in the morning.

Mr. JOHNSTON: If a Motion to report Progress is not opposition to a Bill I fail to understand what opposition is. I trust that the promoters of the Bill will have the support of the House on this occasion, and that no further Motion for the adjournment of the debate will be acceded to, so that the measure will now receive the consideration it deserves. I trust that the Lords' Amendments will be approved of, and that the Bill will be passed through its final stages in the interests of the people of Belfast.

Mr. SEXTON (Belfast, W.): The hon. Member for South Belfast has, with his habitual inaccuracy, taken exception to what occurred this morning. Now, I gave no opposition to the Bill of the hon. Baronet the Member for Mid Armagh (Sir James Corry); but I believe that the course I took met with the general concurrence of the House. Previous to the Bill being reached there had been an exhaustive Sitting of 11 hours, and there were numerous important Amendments upon the Paper against the Bill. Many Members also had left the House; and, therefore, I felt it my duty to move that Progress should be reported. I am not an enemy to the Franchise Bill. I am a friend of the Bill, and those who are the enemies of the Bill, although they claim to be its friends, are hon. Gentlemen opposite. For some reasons, which I have not been able to fathom, the provisions of the Bill are now limited to the borough of Belfast. I wish to assure the House that they will make a great mistake, and produce a most profound resentment among the community of Belfast—a community already sufficiently troubled by a variety of other causes—if they attempt to pass this Bill, and impose a burden of £500,000 upon the people, if they do not take care that they give the people of Belfast some control over the execution of the works and the expenditure of the money. The hon. Member for South Belfast has stated that the people of that town are unanimously in favour of the main drainage scheme, and he has referred to the River Lagan. Why, at this moment the Lagan Pollution Committee have sent a telegram to me, which I have only just received, stating that they—

> "Confidently expect my assistance in securing the postponement of the Main Drainage Bill pending the settlement of the franchise in accordance with the popular desire of the people of Belfast."

Representations of a similar character reach me every day, and the hon. Gentleman knows very well that this scheme was prepared by a private Committee of the Corporation, and that it has never been submitted to the ratepayers at any public meeting, although public meetings have been held against it. Nevertheless, the hon. Member has the hardihood in this House—a House sitting in London, and not in Dublin—to say that the opinion of the community of Belfast is in favour of passing this Bill. It was at the suggestion of the hon. Gentleman the Chairman of Ways and Means that on the 28th of April we postponed the Bill, and the grounds on which that postponement took place have not yet been complied with. The object was to secure time for the passing of the Franchise Bill, and will any hon. Gentleman opposite say that there has not been sufficient time for that purpose? No doubt I proposed the adjournment of the Franchise Bill for two days for the purpose of consulting my Colleagues—namely, from Tuesday until Thursday. It must be remembered that the hon. Baronet the Member for Mid Armagh has materially altered the scope of the Franchise Bill. We claim that it should be passed for the whole of Ireland; but even if it be limited only to the town of Belfast, and is passed in that form, we shall be satisfied to withdraw our opposition to the Main Drainage Bill. It is idle to tell me that the Franchise Bill will be passed as soon as we have disposed of this Bill. I cannot forget that the Drainage Bill will place in the hands of a small ring in Belfast the power of spending £500,000 of the ratepayers, and by the time the Franchise Bill passes into law the people of Belfast may find themselves saddled with the payment of £35,000 a-year for 40 years to come. I tell you that if you pass this Bill I will go to Belfast and advise the ratepayers of that city, if they will listen to my voice, not to pay 1*d*. to the municipal rates until such arrangements are made as will enable them to exercise control over the expenditure of the rates. If that is done I fail to see how the main drainage scheme will be carried into operation. I was about to say, when I was interrupted on a point of Order a short time ago, that in discussing this matter I should have to raise a Constitutional question. The House of Lords have, on technical grounds, struck out the Franchise Clause, which was inserted by the House of Commons, the ground being that no Notice of that clause was given by the promoters at the time the Bill was deposited. As a matter of fact, no such Notice could have been given, because the promoters had no intention of inserting the clause. If the House refuse to consent to the adjournment of the debate it will be my duty to go into that question at length, and to put it to the House whether the House of Lords are constitutionally entitled, upon a Standing Order intended to be used against the promoters of a Private Bill, to object to the Constitutional right of this House to make any amendment in a Bill which it is pleased to make? I have placed Notices on the Paper which I intend to submit for the amendment of the Municipal Franchise Bill. The object of those clauses is to provide that, at the next annual municipal election for Belfast after the passing of the Act, every seat in the Municipal Council shall become vacant as if the period of occupancy prescribed by law had expired, and that there shall be a new election for every seat in the Council; and also to provide that until the new Council shall have been elected no action shall be taken or liability incurred in respect of the main drainage scheme. The object of those clauses is to afford an opportunity to the people of Belfast for obtaining some real control over the execution of the works, and the expenditure which may be involved. Without some such provision it will take three years before the entire Municipal Council can be elected under the Franchise Bill. Only one-third of the Council retire this year, a second third next year, and the remaining third the year after. Therefore, three years will elapse before the ratepayers will obtain any control over the expenditure connected with the scheme. I denounce that as a mockery and a sham, and I claim the support of the Chairman of Ways and Means to the Motion made by my hon. Friend, not that I desire any prolonged adjournment which, Sir, in your wisdom, as the Head of this House, you consider would be unreasonable, but a moderate adjournment which will enable the House to prosecute the Bill of the hon. Baronet the Member for Mid Armagh, and to send it to the House of Lords, by which means only you will be able to get rid of the conflict which now exists between the two Houses, and which, if no means of that nature are taken, will inevitably lead to an angry debate.

MR. DE COBAIN (Belfast, E.): I confess that I have been taken by surprise at the course which has been pursued in reference to this Belfast Main Drainage Bill. When this Bill was last before the House I was necessarily absent through a business engagement in Ireland; and I had hoped under those circumstances, in deference to the fact that I was unable to be present to represent the views of those who think with me in reference to this measure, that the promoters of it would have permitted it at that time to be adjourned; but they adopted the less chivalrous course of pressing it on when they knew I could not be present. The Main Drainage Bill now under consideration has the support of scarcely anybody outside the Corporation of Belfast. It is perfectly true, as the hon. Member for South Belfast (Mr. Johnston) has stated, that there have been two Resolutions arrived at by two Public Bodies in support of the Bill; but one of those Public Bodies — the Belfast Water Commissioners—passed a Resolution approving of a main drainage scheme, but not necessarily of this main drainage scheme. The Belfast Harbour Commissioners, another important Body, came to a decision to support the Bill; but the Resolution was brought forward at a meeting without due notice having been given, and it was not unanimously carried. With regard to the public feeling in relation to the Bill in Belfast, I may fairly and frankly state that no public meeting has been held in support of the provisions of the measure, whereas several public meetings, representing, among others, persons largely connected with the principal interests of Belfast, have been held, and have with unanimity condemned it. I think that, under such circumstances, to insist upon the House of Commons coming to a decision upon the merits of the question to-day would be exceedingly unfair to the ratepayers of Belfast. We have, at present, a limited municipal franchise. The municipal burgess roll consists of about 6,000 electors, whereas we have a Parliamentary roll comprising 33,000 householders. I understand that a statutable enactment makes it binding in all the towns of England to call a town's meeting to approve of all public schemes which involve the expenditure of the ratepayers' money before they are carried into effect. Such a provision, unfortunately, does not apply to the town of Belfast. If it had done so, and the ratepayers had been required to consider the matter before the promoters brought their Bill into Parliament, I believe the people of Belfast would almost unanimously have condemned the provisions of the measure. I know that it is a painful matter to keep a public question like this dangling for so long a time, and that the argument against further delay derives some force from its being postponed more than once before. At the same time, no one can deny the equity and justice of the demand now made that the people who will be required to pay the cost of this main drainage scheme should have the right to say "Yea" or "Nay" to it. In deference to the opinion already expressed in this House, and the decision lately come to in regard to the Main Drainage Bill, it is only a matter of equity towards the people of Belfast that the measure extending the municipal franchise shall come into operation before this Bill finally becomes law. Under these circumstances, I do not see why the promoters should not consent to a further adjournment—that is to say, if they are sincere, and if they are really honest in desiring that the working people of Belfast should have the privilege which is already enjoyed by the working people of Dublin, and by every other great community in the Empire. I do not see why the working people of Belfast are not as capable and as fairly entitled to enjoy the privilege of the municipal franchise as any other community. I do not see why a measure of this kind, which proposes to impose a public debt upon the town of Belfast of £500,000, and to increase the municipal taxation to the extent of 20 per cent, should be hurried through the House, especially when it is perfectly notorious that there is an ample source of revenue in the hands of the Corporation which would enable them to carry out this main drainage scheme without adding one single *1d.* to the rates. In a question which will so seriously effect the financial interests of the whole people, I think the fairest course for the promoters to adopt would be to say—"We will suspend any action in regard to the passing of the Bill until all the ratepaying classes of Belfast and all the householders have an opportunity of expressing their concurrence in this Bill or their disapproval of it." I was sorry to see the Bill for the extension of the municipal franchise delayed again last night; but I must altogether dissent from the opinion expressed by the hon. Member for South Belfast (Mr. Johnston), that the delay was occasioned by the action of the hon. Member for West Belfast (Mr. Sexton). The hon. Member for West Belfast, no doubt, was of opinion that the hour was too advanced for the consideration of the question, and of all the Amendments which stood upon the Paper. In that opinion I cordially concurred. The hon. and learned Member for North Longford (Mr. T. M. Healy), and others sitting on the other side of the House below the Gangway, expressed not only an opinion in favour of the principle of the Bill, but in favour of the extension of the municipal franchise throughout the whole of the corporate boroughs of Ireland. From that view some hon. Gentlemen sitting on this side of the House appear to dissent. I myself have no objection to an extension of the municipal franchise to all the corporate towns of Ireland. But as yet we have only got an expression of a desire in that direction from the town of Belfast, and we are not aware that all other corporate towns of Ireland are in favour of an extension of the municipal franchise. In Belfast itself there have been public meetings held in opposition to this Bill, and in favour of the extension of the municipal franchise, so that we know the feeling of Belfast fully and clearly on the subject. I think that in deference to that feeling the House of Commons should permit this Bill to be further adjourned until such time as the municipal franchise has been extended, and we are in a position to recognize the fact that all the ratepaying people of Belfast will have an opportunity of expressing their concurrence in the scheme of the promoters, or their dissent from it.

THE CHAIRMAN OF COMMITTEES (Mr. COURTNEY) (Cornwall, Bodmin): The House is in a position, I am afraid, of considerable embarrassment in respect of this Bill; and certainly, as far as I am myself concerned, I feel not only in a position of some embarrassment, but also to a certain extent of vexation. I cannot help thinking that the proposal I made a few weeks ago ought to have been more successful in securing a satisfactory result than it has been. The situation is this. A scheme for the drainage of Belfast went last year before a Select Committee of this House—a Private Bill Committee. The hon. and learned Member for North Longford (Mr. T. M. Healy) a short time ago expressed the greatest confidence in the impartiality of Select Committees of this House.

MR. T. M. HEALY (Longford, N.): I said where politics were not involved.

MR. COURTNEY: Yes; where politics were not involved. But the method to be adopted in regard to the drainage of the town of Belfast is not a question involving politics; and, therefore, I can see no reason why the decision of a Private Bill Committee on this Bill should not receive the same support of this House which the decisions of Private Bill Committees usually receive. After the Bill came back to us from the Committee a clause was introduced into it on Report extending the municipal franchise in Belfast, and in that form it passed this House. The Bill then went up to the House of Lords, who struck out that clause, re-examined in detail the whole of the drainage scheme, heard all the opposition that could be made to it, and affirmed the propriety of the scheme generally. The scheme of drainage, therefore, which is contained in this Bill for the town of Belfast has been affirmed and sanctioned by Committees of both Houses, and that fact is undoubtedly one which deserves our consideration. That is the present situation. Although the Bill has been opposed by the hon. Member for West Belfast (Mr. Sexton), on the last occasion when the subject was before the House the hon. Member admitted that he was quite willing to allow the measure to go on if the municipal franchise were extended, so that his opposition was not to this scheme as a drainage scheme, but he desired to make it compulsory to proceed with the Bill for the extension of the franchise. What the hon. Member has stated to-day confirms that view—namely, that this scheme for drainage, whatever may have been said about it at any public meeting in Belfast, is, on its merits, a drainage scheme which ought to receive the support of this House. It comes before us with the approval and the authority of two Committees, and with the implied approval of the hon. Member for West Belfast. When the question was under discussion on the last occasion, there was a Bill before the House promoted by the hon. Baronet the Member for Mid Armagh (Sir James Corry) for the extension of the franchise in certain boroughs in Ireland. [Mr. T. M. Healy: Eleven in all.] I understood that the measure received general assent, not only on this side, but upon the other side of the House; and I suggested that if this Bill were postponed for three weeks there might be a prospect, in the meantime, of pushing forward the Municipal Franchise Bill, and passing it into law. I had no idea at that time that the Bill would be cut down to a Bill for extending the franchise in Belfast only. That was no part of my idea, although, no doubt, it was for the purpose of putting that principle in operation in Belfast that the suggestion was then made. As soon as the proposal to postpone the Bill for some weeks was made, it was followed by the hon. Baronet the Member for North Antrim (Sir Charles Lewis), who intimated that if nobody else would block the Franchise Bill he would. The hon. Baronet did block the Bill; but the block was subsequently taken off, and we have been informed this afternoon that it disappeared in consequence of some arrangement that the provisions of the Franchise Bill should be confined to the town of Belfast. It must not, however, be forgotten that the Bill was also blocked by the hon. Member for Mid Cork (Dr. Tanner). The promoters of the Franchise Bill now feel under a debt of honour not to go on with it unless it is accepted upon those lines. I confess that, personally, I am sorry that the Bill has been restricted in its scope; but, at the same time, I believe there is a precedent for extending by a Public Bill the municipal franchise in one of the boroughs of Ireland. [Mr. T. M. Healy: Dublin.] Yes; the City of Dublin. It is now proposed to proceed on the same lines in regard to the City of Belfast, leaving out the other 10 boroughs of Ireland. If the proposal to adjourn the present Bill until the 20th of June were coupled with an undertaking not to oppose the modified Bill, I think the House might listen to the proposal for the further adjournment of the debate; but there would not be the slightest use in adjourning the debate until the 20th of June if it is understood that the progress of the Municipal Franchise Bill is to be blocked again, so that, in its modified shape, it will not be allowed to go on. The promoters of the Bill have pretty plainly intimated that they will not go on with it except in its modified form. Therefore, if that Bill cannot go on in any other shape than its restricted application to Belfast, the House, I think, had better come to a decision today as to whether it will accept this scheme of main drainage, approved, as it has been, by Private Bill Committees of both Houses, or whether it will refuse to assent to it in consequence of the state of the franchise in Belfast. That is the practical question, and I hope it will be decided in a practical manner. I confess, for my own part, that leaving the other 10 boroughs out of consideration, if the understanding is come to that the Bill for the extension of the franchise in Belfast alone will go on, it would not be reasonable to hang up the Drainage Bill until that measure becomes law. The hon. Member for West Belfast (Mr. Sexton) has a number of Amendments on the Paper in reference to the Bill for the extension of the municipal franchise. I must tell him, however, that one of the clauses he proposes to insert is of an unusual and objectionable character, inasmuch as it requires that the operation of this particular Bill shall be hung up until the Municipal Council has been reconstituted.

Mr. SEXTON: That was the course taken in the case of Dublin, which has already been referred to.

Mr. COURTNEY: The first clause which the hon. Member proposes may be admissible in an amended form, but the second clause which he proposes would not be admissible as an Amendment in the Bill in Committee. It is not within the scope of the Bill, and could not be introduced in Committee. It may be proposed on the Report stage, but not in Committee. I only desire that the hon. Member for West Belfast should not be under any misapprehension in that respect. The best way to get out of the difficulty in which we are now placed will be, I think, to agree that the Municipal Franchise Bill should be extended to Belfast only; and if an arrangement of that kind is come to, then the promoters of the Bill might be satisfied to consent to an adjournment of the present debate until the 20th of June.

Mr. T. W. RUSSELL (Tyrone, S.): The House will remember that when this Bill was under discussion on the last occasion I moved the adjournment of the debate until to-day. I did so on a perfectly distinct and specified ground. I stated that I did not know anything about the merits of the Bill itself, but that I considered it absurd to tax the people of Belfast to the extent of £500,000, with so limited a franchise in the town of Belfast itself. Well, Sir, there is a Bill now before the House for extending the franchise.

Mr. SEXTON: No; for extending it generally in all the boroughs of Ireland.

Mr. T. W. RUSSELL: I am in favour of extending the franchise generally in all the boroughs of Ireland, but I am not prepared to prevent Belfast from getting it because the majority of the House are not willing to confer it upon all the other boroughs. The difficulty which arose this morning in reference to the Franchise Bill arose from Members below the Gangway, and was in no way due to the hon. Baronet in charge of the Bill (Sir James Corry); and as my opposition was limited to the question of the franchise, I am bound to say that if the Bill goes to a Division I shall now support it.

Mr. T. M. HEALY (Longford, N.): With regard to what has fallen from the Chairman of Ways and Means I should like to say one or two words. It is perfectly correct that I said I had faith in the decision of a Committee of this House where politics are not concerned. No doubt, Select Committees of both Houses have approved of this main drainage scheme; but in this instance there is a distinct political issue raised, and although this House may approve, in the abstract, of the drainage of Belfast, or the drainage of the watershed of Central Africa, seeing that there would be no political question as to where the outfall should be, and would be indifferent as to the cost of it; but when, in this particular instance, we have the additional fact that the entire Town Council of Belfast are opposed by the general body of the ratepayers, although they are of the same religion and political principles as themselves, there must be something involved in the measure far beyond the ordinary engineering details of a Private Bill. We are told that there has been no town's meeting convened by the Town Council in support of the Bill, and I maintain that mere engineering matters sink into insignificance, and that the opposition to the measure arises from much more important principles. The real question is, have the people of Belfast had an opportunity of approving the measure? The Member in charge of the Franchise Bill is an expelled Member for one of the Divisions of Belfast, having been expelled by the present Member for East Belfast (Mr. De Cobain), who had been borough cashier to the Corporation of Belfast at a salary of £1,000 a-year. The Corporation dismissed him from that position because he had the audacity to oppose the hon. Baronet the Member for Mid Armagh (Sir James Corry). The hon. Gentleman, nevertheless, persisted in his opposition to the hon. Baronet, and, notwithstanding the exercise of the entire power of the Town Council, succeeded in expelling the hon. Baronet from the representation of East Belfast. Her Majesty's Government, however, gave the hon. Member for Mid Armagh the usual consolation of a Baronetcy, and he has been returned since to represent Mid Armagh. That fact shows, I think, that a deep feeling exists in the town of Belfast upon these questions. Perhaps the House will allow to me to refer for a moment to the argument of inconvenience. I presume that Her Majesty's Government are seriously anxious to save the time of the House, and if the time of the House is wasted the Government have only themselves to thank for the shuffling way in which they have treated the matter. Ten days ago I asked the Government if they were going to support the Motion of the hon. Baronet to confine the Franchise Bill to Belfast alone. The First Lord of the Treasury said he could not answer the Question; and, therefore, I put the same Question to the Under Secretary for Ireland, and he said that at the proper time he would answer the Question. Now, "the proper time" occurred very late at night, and neither the Attorney General for Ireland, nor the Chief Secretary, nor the Under Secretary chose to be in his place, although they were all in their places a few moments before, when a Division was taken on the Criminal Law Amendment (Ireland) Bill. The moment the Division was taken they skedaddled, well knowing that this Bill was coming on. Now, I considered that that was a most unfair way in which to treat the House, and I said I would not allow the House to go into Committee until we had a statement from the Government. Upon the distinct understanding that the Bill was to extend to the whole of Ireland I did not oppose the Motion for going into Committee. It was not until pressure was put on the hon. Member for North Antrim (Sir Charles Lewis) from his own side that the block he had placed against the Bill was withdrawn, and we are now told that the block was only withdrawn on the distinct understanding with the hon. Baronet the Member for North Antrim that the provisions of the Bill shall only apply to the borough of Belfast. But there was another block against the Bill, which had been placed on the Paper by my hon. Friend the Member for Mid Cork (Dr. Tanner).

Mr. COURTNEY: It was admitted last time that that was an indiscretion.

Mr. T. M. HEALY: I believe that my hon. Friend the Member for Mid Cork never acts with indiscretion, but as a matter of principle. My hon. Friend withdrew the block on an appeal being made to him from this side of the House, and the block of my hon. Friend was removed by us, just as the block of the hon. Baronet the Member for North Antrim was removed by hon. Gentlemen opposite. We made a compact with the hon. Member for Mid Cork to withdraw his block, hearing that, in that case, the hon. Member for North Antrim would remove his block also. But we were not informed—and I trust the Chairman of Ways and Means will see that this is a substantial matter—we were not informed that any terms whatever had been made with the hon. Member for North Antrim as to the withdrawal of his block. We knew nothing whatever of the fact that part of the understanding upon which the block was to be withdrawn was that the provisions of the Bill were to apply to one borough only. If I had known of that proposal I would have put down a block in my own name, because I strongly protest against the Bill being allowed to proceed on the understanding that it is to apply to one borough only. If that understanding was made part of the bargain, the withdrawal of the block on this side of the House was obtained under false pretences. Surely we have as much claim to fair treatment in private matters as we have in our public capacity, and we were entitled to be made acquainted with any private understanding which had been arrived at between the two hon. Baronets—the Member for Mid Armagh and the Member for North Antrim. I now see the right hon. Gentleman the Chief Secretary in his place for the first time this evening, and I hope it has not distressed him to come down at this early hour. I have been pointing out that neither the right hon. Gentleman, nor the Attorney General for Ireland, nor the Under Secretary was in his place when we allowed the Municipal Franchise Bill of the hon. Member for Mid Armagh to go into Committee, on the distinct understanding that it was to apply to the whole of Ireland. That understanding has now been broken. And now let me say a word upon the question of convenience. I know that any argument as to inconvenience and wasting the time of the House has much weight with right hon. Gentlemen opposite. Should the Motion of my hon. Friend for the postponement of this Bill be defeated there must be a long discussion, which will probably occupy the whole of the evening, upon the question of the action of the House of Lords in knocking the Franchise Clause out of the Drainage Bill. A long debate on the merits of the Bill and on the excision of the Franchise Clause will probably waste the entire night. On the other hand, if the Government assent to the Motion for adjourning the debate, and will give us an opportunity of placing the whole of the boroughs of Ireland on the same principle of equality which is extended to the boroughs of England and Scotland, there will be no difficulty in passing the Main Drainage Bill. I am glad to see the right hon. Member for West Birmingham (Mr. J. Chamberlain) in his place, and I hope we shall not only have his support, but that of the noble Marquess the Member for Rossendale (the Marquess of Hartington)—the real Government in Office. Are they going to say that a municipal franchise which has existed in England and Scotland for 25 years is not to be applied to the corporate towns of Ireland? We are told that the Bill will not pass if it is allowed to remain intact. At present it is a Bill which is to be applied to the whole of Ireland; but it is proposed to restrict it to Belfast alone. Let the House of Lords restrict it to Belfast alone if they like to take that responsibility into their hands. I would appeal to the right hon. Member for West Birmingham whether he desires to see the extension of the municipal franchise in Ireland restricted to the town of Belfast? There are wards in Limerick in which the municipal voters are so few that there cannot be a contest. It takes 20 voters to justify a contest, and in one of the wards in Limerick there are only 18. Is the right hon. Gentleman prepared to support a restricted franchise of that nature? In Waterford there are no rates levied, because there is plenty of municipal property; but there are not more than 100 voters in the entire municipal borough. Are we, with our eyes open, to allow these restricted franchises to exist? Is it not a duty to our constituents to protest against them, and make the Franchise Bill general, leaving the House of Lords, if they like, to restrict its application to the borough of Belfast? We ought not to allow a Municipal Bill dealing with the whole of Ireland to be shrunk into such miserable dimensions that it will apply to Belfast alone. The hon. Member for East Belfast (Mr. De Cobain) said that there is no demand for it in the rest of Ireland. It may be said that there was no demand for it in Belfast until my hon. Friend the Member for West Belfast (Mr. Sexton) came forward to oppose the restriction. The entire credit is due to my hon. Friend for all that has been done since. When the rest of the people of Ireland see that the Bill has passed a second reading and got into Committee, and that they have the haven within sight, will they be content to see the franchise restricted to one borough? I am afraid we are asked to do a thing which will be scouted by our constituents. Seeing that the Government opposite is not a Tory Government, but a Unionist Government, and that the House has assented on half-a-dozen previous occasions to the principle of extending to Ireland the provisions relating to the municipal franchise which now exist in England and Scotland, I ask the Government to see that a way shall be found out of this holdfast, and that the provisions of the Bill shall not be restricted to Belfast alone. My hon. Friend the Member for Mid Cork would certainly never have taken off his block if he could have known that such an understanding had been arrived at.

SIR JAMES CORRY (Armagh, Mid): I can afford to pass by the references which have been made to myself by the hon. and learned Member for North Longford (Mr. T. M. Healy). But having the charge of the Municipal Franchise Bill I think it right to say how the matter stands. Immediately after the suggestion of the hon. Gentleman the Chairman of Ways and Means, I endeavoured to put myself in communication with the hon. Member for West Belfast (Mr. Sexton), and I told him that I found it entirely impossible to proceed with the Bill as it stood, but that if it was confined to Belfast I had no doubt that it would pass. He said that it was impossible for him at that time to give me any reply to the question, but that he would consult the hon. Member for Mid Cork (Dr. Tanner), and would let me know later on what course it would be possible to take. A few days afterwards the hon. Member informed me that he had mentioned the matter to some Members of his Party, and that some were in favour of the proposal, while others were not. As far as he was concerned, he was prepared, when the Bill came before the House, to support its restriction to Belfast.

MR. SEXTON: Will the hon. Baronet allow me to say a word in explanation? What I said was that, even if the Bill was passed in its restricted form, I should no further oppose the Main Drainage Bill.

SIR JAMES CORRY: I understood the hon. Member to say that if the Bill was proceeded with, and restricted to Belfast, he would not oppose it, but would do the best he could to induce other hon. Members of the Party to which he belongs to accept it. To my knowledge, there have been considerable differences of opinion among the Nationalists already in reference to this

Bill. When I found that a block had been attached to it by my hon. Friend the Member for North Antrim (Sir Charles Lewis) I spoke to him upon the matter, and arranged that it should be taken off, on the understanding, however, that the provisions of the Bill should be limited to Belfast. The result was that, on the second reading, I explained to the House my intention to move ultimately that the Bill should be restricted to Belfast. I did that in perfect good faith, because the clause which the hon. Member for West Belfast had introduced into the Drainage Bill in this House, and which was struck out in the House of Lords, only applied to Belfast; and I was very anxious that, as far as I was concerned, I should endeavour to carry out the understanding with the hon. Member for West Belfast, and secure the passing of the Municipal Franchise Bill. The clause which the hon. Member for West Belfast had introduced into the Drainage Bill was entirely contrary to all precedent. There is no precedent whatever, as far as I know, for the introduction of a Franchise Clause into a Bill of that kind. When the Bill had been read a second time I named Monday last for the Committee; but the hon. and learned Member for North Longford (Mr. T. M. Healy) asked me to name Tuesday, which I did. On Tuesday the hon. Member for West Belfast asked me to postpone the Committee stage still further until Thursday, so that he might be able to communicate with his friends. I was, therefore, much astonished this morning, when the Bill came on, to find the hon. and learned Member for North Longford declaring that he was prepared to reject a Bill which restricted the franchise to Belfast, and that he would only support a Bill for the whole of Ireland. I had no opportunity of consulting the members of the Corporation of Belfast on the subject; but I had undoubtedly understood that hon. Members belonging to the Nationalist Party below the Gangway were prepared to accept the restriction of the measure to Belfast. I certainly fell in with that view; but I cannot consent to the further postponement of the present Bill, seeing that the question of the main drainage is one of the most urgent importance. It is an entire mistake to say that the majority of the people of Belfast are opposed to this scheme; and I think I ought to know, from my long residence in Belfast, the views of the people of that town quite as well as the hon. Member for East Belfast (Mr. De Cobain). I say, unhesitatingly, that this is a Bill approved of by everybody who knows anything of the requirements of the town, and who have any stake in the prosperity of Belfast, and who are anxious to see that prosperity going on with increased vigour. The hon. Member for East Belfast says that if the Bill were postponed, or even if the Bill were rejected, the corporate funds of the borough are quite sufficient for the purpose of carrying out a scheme of main drainage. I quite understand the suggestion which he makes, and that is that the profits of the Gas Works, which belong to the town, should be applied to this purpose. His suggestion would not only relieve the owners of small property from taxation, but it would simply remove the burden from one class to another. As a matter of fact, I have heard many of the opponents of the Bill state at various deputations that they are not opposed to the main drainage scheme, and that it is only because they have been disappointed in not getting what they want that they now oppose it. The fact is that the main drainage scheme is one which is very much required, and it would be a very great mistake if it were further postponed. I shall certainly oppose the Motion which the hon. Member for Leitrim (Mr. Conway) has made, unless there is an agreement that the Franchise Bill, which I have had the honour to bring in, shall be restricted to Belfast alone. If such an agreement were arrived at, I should have no objection to postpone this Bill until the 20th of June.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I really should like to hear from the right hon. Gentleman the Chief Secretary what is in the mind of the Government with reference to the Franchise Question. It is scarcely fair to the House to leave it in the dark as to the purpose of the Government in reference to the Franchise Bill, and the Government must be aware that whether they were going to accept the limited proposal of the hon. Baronet or the Bill in its entirety goes to the root of the matter. If the Government will tell us what line they are going to take in reference to the Bill, it will probably have the effect of throwing the responsibility on hon. Gentlemen below the Gangway as to the course which may be pursued. I would therefore press on the right hon. Gentleman to tell us, as shortly as he likes, but quite distinctly, what course he and his Colleagues are going to take.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): It appears to me that we are now considering the Main Drainage Bill, and not the merits of the Franchise Bill. It is quite clear that whether it be right or wrong to test the merits of a local scheme of drainage by the question of an extension of the municipal franchise, the connection is an unnatural one which ought no longer to be allowed to exist, and if we cannot come to some agreement to-night, the opinion of the House ought to be taken upon the Drainage Bill by itself. The right hon. Gentleman opposite asks me what course the Government intend to take in regard to the Franchise Bill. I do not think that I am at this moment called upon to express any judgment with regard to the abstract merits or demerits of a scheme for extending the municipal franchise in every borough in Ireland. The present occasion is one on which such a measure could not be carried through, and I should not support but oppose it upon a Bill of this character, without expressing any views on the general question. Everything connected with this Bill has been singular and anomalous, and I hope that the precedent will never be followed again. If we look at the question of the municipal franchise on its merits it does appear to me that it may be discussed on the Bill, limited in its scope, which has been framed by my hon. Friend the Member for Mid Armagh (Sir James Corry). If the Committee, whose duty it is to deal with the Bill, will accept the limited scope of the measure, confining its operation to the City of Belfast, the Government will be happy to give any assistance they can. [Mr. T. M. HEALY: Why?] For reasons which I have laid before the House already. The right hon. Gentleman opposite has asked me what the policy of the Government is? I hope I have explained the position of the Government. If I were to state more fully the motives which influence them, I should probably be ruled out of Order. I have, however, explained the course the Government are prepared to take in the matter, and I would ask the House if an arrangement cannot be come to by which the Franchise Bill may be limited to Belfast, at all events to finally announce whether this Drainage Bill is to be passed or not, and bring to an end this melancholy contest upon which we have already wasted so much time.

MR. JUSTIN M'CARTHY (Londonderry City): I believe it is an entire mistake on the part of the Chief Secretary to the Lord Lieutenant to say that this is the only instance of the tacking on a Franchise Clause to a Private Bill. I believe that it has been done over and over again. To come to the question more immediately before the House, I believe we are reduced to this position—shall we accept or shall we not accept the suggestion made by the hon. Gentleman the Chairman of Ways and Means. Now, as far as I am concerned, I regret, as most of my hon. Friends do, the attempt to strike out of the Municipal Franchise Bill all reference to any place except the borough of Belfast. I will go further, and say that I regret very much that any arrangement has been made which seems to support and sanction a proceeding of that kind on this side of the House. Everyone who will go back into the history of this measure will see perfectly well that it is a measure the principle of which has again and again been affirmed upon this side of the House. The hon. Member for East Belfast (Mr. De Cobain) and some other hon. Members seem to think that Belfast is a city peculiarly wanting this increased and improved franchise, and which has expressed a special desire to obtain it. I assure him that upon that matter he is entirely mistaken. Belfast has, no doubt, had peculiar opportunities for pressing her wishes upon the House in a decisive manner. But I assure him that in the City of Derry, which I represent, there is quite as great a need for an extended franchise. I say with confidence that a great dissatisfaction is expressed there against the present franchise, and that there is as strong and popular a desire for a better state of things as prevails even in Belfast or in any other borough in Ireland. Still we have now brought down the question to a narrow issue—namely, whether we ought to accept the proposal of the Chairman of Ways and Means or not. Speaking now only for myself, I am willing to accept that proposal. I think that, at any rate, we should gain something for Belfast, and that we shall gain nothing, even for Belfast, if we reject it. Therefore, I cannot take on myself the responsibility of rejecting the proposition; and, as far as I am concerned, I shall offer no further opposition to the progress of the Franchise Bill.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Question, "That the words 'on Monday 20th June,' be there added," put, and *agreed to.*

Main Question, as amended, put.

Consideration of Lords Amendments *deferred* till *Monday* 20th June.

MR. T. M. HEALY (Longford, N.): By way of personal explanation, I wish to say that, although I do not oppose the Lords' Amendments, I wish it to be clearly understood that I do not consider myself in the least bound not to oppose the Franchise Bill in its restricted form.

GREAT EASTERN RAILWAY (*re-committed*) BILL (*by Order*).

CONSIDERATION.

Bill, as amended, *considered.*

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE) (Tower Hamlets, St. George's): I wish to explain that it is proposed in the Bill to give certain market rights to the Great Eastern Railway Company. The Company already possess certain markets in crowded localities in the East End of London, but they have held them without any market rights, and it is proposed in this Bill to give them certain market rights and legal authority for holding these markets. When the Bill was before the House on a former occasion, I considered it my duty to ask the House to refer it back to the Committee to consider whether or not some provision should not be inserted which would deprive the Company of any vested interests. A clause was inserted which it was thought would carry out that intention; but I do not think the clause is quite clear on the subject, and I now have to propose that the clause be omitted, with a view to inserting another clause providing that on any market authority starting a market in the neighbourhood, they may be able to call upon the Great Eastern Railway Company to close their market without compensation. By that means the market rights of the Company cannot by any possibility come into conflict with any power which may be exercised by a Local Authority. That is the short history of the clause which I now ask the House to read a second time. I beg to move, after Clause 61, to insert the following clause:—

> "In the event of any public authority exercising the powers of a market authority for any district or borough in which the Bishopsgate Market or the Stratford Market is situated, and providing adequate market accommodation for such district or borough, such authority may give notice in writing to the Company that such accommodation has been provided; and, at the expiration of three months from the date of such notice, or from the date of the order hereinafter referred to of the Local Government Board certifying that adequate market accommodation within the meaning of this section has been provided by the public authority, the market rights and powers by this Act vested in the Company shall cease and determine as regards the Bishopsgate Market or the Stratford Market, as the case may be, and no compensation shall be payable to the Company in respect of the determination of such rights and powers.
>
> Provided, That, if the Company or if any person interested shall, within one month from the giving to the Company of such notice as aforesaid, represent in writing to the Local Government Board that adequate market accommodation within the meaning of this section has not been provided by the public authority, the question of the adequacy or inadequacy of such accommodation shall be determined by the Local Government Board, who shall by order certify whether or not adequate market accommodation within the meaning of this section has been provided by the public authority, and any such order shall be conclusive as to the fact.
>
> Provided also, That, when the market rights and powers by this Act vested in the Company have ceased and determined as regards either the Bishopsgate Market or the Stratford Market, the Company may retain the site of such market as part of their Railway undertaking.
>
> The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for the purposes of this section, and the inspectors of the Local Government Board shall, for the purposes of any such inquiry, have all such powers as they have for the purposes of inquiries directed by that Board under 'The Public Health Act, 1875.'
>
> Any expenses incurred by the Local Government Board in relation to any inquiries under this section, including the expenses of any wit-

nesses summoned by the inspector holding the inquiry, and a sum to be fixed by that Board, not exceeding three guineas a day, for the services of such inspector shall be paid to that Board by the market authority or the Company, as the Local Government Board may by order determine."

New Clause—

(In the event of adequate market accommodation being provided by public authorities, Company's market rights under this Act to cease without entitling them to compensation, &c.,)—(*Mr. Ritchie,*)—

—*brought up,* and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. BRADLAUGH (Northampton): I do not object to the insertion of this clause. The points to which I desire to draw the attention of the House will, I think, be more fittingly raised upon the Amendments which stand on the Paper in the name of the hon. and gallant Member for South-East Essex (Major Rasch). With that reservation, I offer no opposition to the clause.

SIR JULIAN GOLDSMID (St. Pancras, S.): I believe that this clause will be useless, because there are several clauses of the Bill which the House will be asked to reject on account of the variety of interests involved in them. Therefore, if we accept the clause for the moment, I hope it will be thoroughly understood that we are not to be precluded from offering opposition to other clauses.

Question put, and *agreed to.*

Clause *added.*

MR. BURDETT-COUTTS (Westminster): I beg to move the omission from the Preamble of paragraphs 1 and 2. I have to apologize to the House, especially at this late hour, and to ask them to give me a patient hearing upon this subject. It is a one to which I have given some four or five years of very close study and even of practical work, and although this Bill appears before the House as a Private Bill it is a measure which introduces questions which relate to public policy, and which are altogether unprecedented in our legislation. This House, Sir, is asked to commit itself to a provision which will give into the hands of a Railway Company an enormous extension of a monopoly which they at present enjoy. It is asked to give them a monopoly over something, which I submit is the last thing in the world in regard to which a monopoly should be exercised, and that is, the food of this Metropolis. That is the real question at issue. In a Paper which has been distributed by the Great Eastern Railway Company to the Members of this House, this morning, I see it stated that the opponents of the Bill are monopolists, who wish to retain monopolies in their own hands. As far as I am personally concerned, everything that I have done in regard to this market question in London has been directed towards breaking down the monopoly which now exists in regard to the food supply, and in getting rid of the ring in connection with which every question of the food supply has been tied up. I am well aware of the difficulties I shall have to encounter in opposing a powerful Railway Company—a Railway Company which has four of its Directors Members of this House, all of them sitting on this side of the House. That is one of the difficulties I have to contend with, and I am also aware of the difficulty of attempting to upset the decision of the Select Committee of this House. At the same time, I maintain that this is a new departure in the spirit and policy of our legislation in regard to railways; and, therefore, I wish to take the question out of the hands of the Committee of four Members and out of the hands of the Directors of the Great Eastern Railway Company, and to submit it to the general judgment of the House, and of those who are unwilling to consent that any act of public policy should be passed in this House within the covers of a Private Bill without having first received the full sanction of the House. Perhaps I may be allowed to explain that the opposition which is raised to this part of the Bill will not inconvenience the Great Eastern Railway Company with regard to the Bill generally. The Bill itself is an Omnibus Bill, and my opposition is confined to the market clauses which are contained within it. I wish, also, to impress upon the attention of the House, that our opposition to these clauses of the measure will not endanger or effect the continuation of Stratford Market. I am prepared to admit that Stratford Market at the present moment is doing a useful work; but the Great Eastern Railway Company have carried on Stratford Market for eight years without attempting to apply for Parliamentary sanction; they are carrying it on now with the utmost perseverance, and the only person who opposes them is the lessee of Spitalfields Market. The agreement with him under which they carry on the market holds good until the year 1888, and by that time the whole question of the markets, which has been referred to a Royal Commission, may be expected to be settled, and if it should so happen that it is not settled there would be no difficulty in obtaining a temporary renewal of the agreement. Therefore, the opposition to these clauses can have nothing to do with endangering the existence of the existing market at Stratford. That is a mere bogey raised up in order to secure the passing of the Bill. My two main points, Sir, are that these Market Clauses are contrary to the spirit and practice of our railway legislation, and that they are injurious and threatening to the public interest. Sir, I contend that there is no precedent for granting a market authority to a Railway Company. It would have the effect of converting them into traders, because although they do not themselves sell the goods, they have full control over the traders who do sell the goods, and in that way they have the practical, if indirect, management of the trading. Parliament, I am aware, has granted the ownership of steamboats and of hotels to Railway Companies, but there is no parallel between those cases and this, seeing that the former are merely a physical continuation of the proper business of a Railway Company as carriers, and the latter are necessary for the accommodation of the passengers carried by rail; and, at the same time, it must be borne in mind that Railway Companies have no control over the passengers they carry or over the conveyance of the goods. The Great Northern Railway Company at the present moment have a depôt at King's Cross for the sale of potatoes; but they have no market authority, and have never applied for one. Indeed, a few years ago they attempted to open a market there, but were stopped by injunction. In 1883 the Great Eastern Railway Company obtained the right of opening shops in the Bishopsgate Depôt; but that is a totally different thing from a market franchise, because in a market the general public have a right, whereas in a shop they have no right at all. It is in this aspect of the case I submit to the House the necessity of opposing the granting to a Railway Company of the complete control over a market where the public should have rights, but where a Railway Company has an interest altogether opposed to that of the public—namely, the private interest of its traffic rate. This has been recognised in the case of Bradford, where there is a railway market, *i.e.*, a market with the rails running into it; but the market itself is in the hands of the Corporation, which is right and proper, for it is thereby secured that it is worked in the interests of the market, *i.e.*, in the interests of the public, and not in the interests of the Railway. I wish to lay stress on the point that a railway market is a very different thing from a market in the hands of a Railway. I ask the House to listen for a moment to the methods by which a Railway Company can exercise these powers if Parliament choose to confer market powers upon them. One principle ought to underlie the granting of every market franchise, and that is that it is to be for the public interest. Now, Sir, let us go a step further. In order that the public interest should be preserved, it is of the essence of a market that it should be free. By free, I do not mean free from tolls and charges, although on this point I think nothing more than the mere cost of maintaining the market should be taxed upon the food in the shape of tolls. By free, I mean that there should be perfect equality, and that there should be no differential tolls and charges, but that there should be perfect freedom of access to the market, and that the consignees, who are tenants within the market, should be free to bring their goods from whatever source they please, and by whatever means of communication they please, so that there should be within the market a perfect competition of produce from all sources, and a perfect competition of the charges or cost of bringing the produce by road or by rail, and if by rail, by different lines of rail, into the market. How will these conditions, which are the necessary basis of a public market, be affected by a market in the hands of a Railway Company? The first interest of a Railway Company is its traffic rate. In the first place, the market authority, if the Railway Company is the market authority, will prefer rail-borne produce to road-borne produce. They will get nothing out of the road-borne produce, and will direct their whole attention to the rail-borne produce. In support of this argument, I may mention the fact that hitherto, in Stratford Market, the delicate and perishable garden produce which is brought there has been invariably left out in the open space, while the whole of the covered spaces have been monopolized for rail-borne traffic. This treatment is destructive of the industry of the market gardeners around London who bring fresh vegetables into London. Compare with this the treatment which the same produce receives in Covent Garden Market, where there is no railway interest to serve. In the case of Covent Garden, the market-garden produce is placed under cover, and the heavy rail-borne produce is put in the open spaces. There is a second thing that a Railway Company, if it becomes a market authority, must do—it must secure that all goods conveyed to the market are conveyed upon its own line. Now the Great Eastern Railway Company are great carriers of vegetable produce from the Eastern Counties; but, in those counties, many of the most important districts with which the Great Eastern Railway have a connection are common also to the Great Northern Railway. Then is it to be supposed for a moment that the Great Eastern Railway, having the power they possess over their tenants, will not say to their tenants—"You must send all your produce over the Great Eastern Railway;" and the result will be that the competition of rates, which is the only safeguard the public have, will be completely destroyed. There is a third thing a Railway Company must do. It will invariably give the preference to big consignors over small consignors, and it is easy to see why. It gets more out of them; they are saved trouble; and there can be no doubt that the small landholder whom we wish to encourage will, under such an arrangement, certainly go to the wall. Then, fourthly, it is only natural to conclude that the Railway Company will incessantly work for the 'long lead,' *i.e.*, they will prefer to obtain the produce for the markets they are serving from the greatest possible distance, and the result of that will be that growers within 30 or 40 miles of London will be placed at a disadvantage. The Railway Company will take very little trouble in regard to consignors in the immediate neighbourhood of the market itself, their principal object being to obtain the extra remuneration they will get for the carriage of goods over long stretches of their own railway. Now, Sir, I have by no means exhausted the subject, but I have shown four definite ways by which a Railway Company, if converted into a market authority, will interfere with the freedom of access, and the fair and full competition which must form the basis of a real public market. I am afraid that I have entered at too great length upon this part of the subject, and have left myself little time to point out the unreasonableness of this question being raised at a moment when the whole matter is under the consideration of a Royal Commission, which the House has granted at the instance of the hon. Member for Northampton (Mr. Bradlaugh), and which if it means anything at all, means this—that all markets are to be in the hands of popularly elected representative local authorities. The President of the Local Government Board has inserted a clause which absolutely nullifies this principle, for this Railway is to be allowed to keep these markets open, and in its own hands, until the Local Authorities shall have provided ample market accommodation. But so far as the Bishopsgate district is concerned, they never can do this. It would cost the ratepayers an enormous sum. Therefore if they wait till that day, as the clause compels them to do, Bishopsgate Market will remain for ever in the hands of the railway. Why this tender interest, this marked exception for a Railway Company? Let me remind the House that a Railway Company necessarily has enormous power over their tenants—tenants, whose rents they can raise any day from the £15 actually paid, to the £50 they take care to put in the agreement — monthly tenants whom they are able to turn out at almost a moment's notice if they do not get their goods by rail instead of road, by the Great Eastern rail instead of any other, from big consignors instead of small, from distant sources instead of nearer ones. I am quite aware that there has been introduced into this Bill what is called a Protective Clause; but I maintain that that Protective Clause is purely illusory. After the word "equality" come the words "so far as circumstances will allow." I say that those are very suspicious words, especially when they are left in the hands of a Railway Company. They leave a very wide margin indeed for the Railway Company to experiment upon, and it cannot be supposed that in their treatment of their tenants they will sacrifice their own interests for those of the public. Now, I say that, on all these points, and especially in regard to the question of road-borne and rail-borne produce, there is absolutely no protection whatever in this Bill for the public, and no protection for the market tenants. I maintain that it is unwise and unsafe to alter the policy which Parliament has for so many years adopted in regard to Railway Companies, and to place the powers of a market authority in their hands. I maintain, further, that if you grant the powers now asked for, you will create a monopoly, you will destroy the present road-borne produce, and you will leave the market at the mercy of a Railway Company, whose previous record, with regard to all questions of traffic and their treatment of the public, is certainly most unsatisfactory, and is certainly not such as to justify the House of Commons in extending a monopoly. I thank the House for having granted its indulgence to me, and for having listened to my remarks so patiently. In conclusion, I have only to add one word, which is of a personal nature. It may be said that I have a personal interest in the question, as opposed to the Great Eastern Railway. Well, Sir, it is quite true that it has devolved upon me to be the owner of a market at the East End of London, which, for some years, I have been endeavouring, under great difficulties, to maintain, in pursuance of the noble objects with which it was built, to afford some relief to the congested state of the food supply of London, especially in the poorest districts. I am ready to admit that that enterprise has not been so successful as its promoters desired; but I claim for it that it has done this—that it has been a standing menace to rings and monopolists, and has very much mitigated their evil action; because those who exercise the power of these rings and monopolies know that if they oppress their victims too much, in the end they will resort to another market where they have no power. With regard to the question of my own personal interest, which may be flung in my face, I may say that the market which is now in my possession was opened without the slightest hope of a return for the capital expended upon it, and while I ask the pardon of the House for entering into a personal matter, I do not hesitate to claim that what I have spoken on this occasion has been dictated by the same motives that have dictated my previous action in the matter of the food supply of London—viz., the public interest. I beg to move the Amendment which stands in my name, and which I may explain refers solely to Bishopsgate Market, a new market which the Great Eastern Railway Company seek to establish within 200 or 300 yards of two other markets, which are ample for the purposes of the locality.

Amendment proposed, in page 4, to leave out lines 1 to 14, inclusive.—(*Mr. Burdett-Coutts.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. BRADLAUGH (Northampton): I will detain the House as shortly as I possibly can in putting before it the points which have induced me to decide in favour of the Amendment, although I frankly say that my objection applies both to Bishopsgate and Stratford Markets, and the whole of the clauses which affect them. I think that the Railway Company are ill-advised, considering the beneficial Amendments which were made in the Bill when it was first brought before the House, in insisting upon the Toll Schedules at all; because if they did not claim the right of levying tolls on produce, the opposition which is being offered to the Bill would have been to a great extent disarmed. It is unfortunate that while the House has just decided to appoint a Royal Commission for the purpose of investigating the whole question, and the opinion has been expressed with unanimity by the House that all tolls shall be in the hands of market authorities; that even for a limited time new market toll rights should be granted by Statute by this House. I would suggest that the Great Eastern Railway Company should make their profits in a proper way—namely, as common carriers, and not as market keepers. There are many disadvantages connected with the course taken by the Great Eastern Railway Company, and a special disadvantage arises in this case—namely, that the tolls have in the past been of an exorbitant character—that they have been imposed under a Charter which dates back for some centuries. The railway have now very properly thrown over the Charter owners—at least, as far as this Bill is concerned—but I do not know whether the Company have any private agreement. If they have, they have been keeping it to themselves; and I trust that the House will not permit them to derive a toll profit at all. Unless there is a distinct statement from the promoters of the Bill as to these tolls, I trust that the division may be made a test question on the whole of these Market Clauses, and that the House will reject them. There is another difficulty, how to meet which is not clear in my mind. It is a difficulty which I have raised in the House before. In a statement circulated among Members to-day, the Great Eastern Railway Company express a desire to encourage the enterprise of the occupiers of small farms and the small growers of garden produce. If that is their intention, they give no evidence of it in this Bill. This Bill gives them powers which Railway Companies generally exercise in order to obtain the tonnage which pays them best on conditions which suit them most, and it will suit them most to maintain a large and a regular through traffic with through rates, and if possible, preferential rates to foreign growers at the expense of the home growers, which is acting directly in the teeth of the decision of the House the other day. I understand that the object of the House in that decision was to restrict, as far as possible, the action of the middleman between the grower and the market. It is impossible to suppose that a Railway Company will afford facilities to small growers unless there is something to impose that obligation upon them. Their disposition is to take from the middleman large quantities of produce, which are easily received, and convey them for long distances, and in that way to handicap the smaller growers, whom it is the object of the House to encourage. There is a difficulty which I do not understand, unless it arises from some desire to consult the interest of the Charter owners. By Clause 63 of the Bill it is provided that road and rail traffic shall, as far as Stratford Market is concerned, be treated on an equality; but there is no provision for the admission of road produce to Bishopsgate at all, so that if the House passes this Bill, it will drive the unfortunate growers who are near London entirely into the hands of the Charter owner, whose rights are about to be inquired into, and against all these Charter rights the House expressed a strong opinion upon the Motion which I moved. I do not think it would be decent on my part to occupy the time of the House any further on a Private Bill; but I do ask the House not to consent to give to this Railway Company a statutory right to levy tolls which cannot be necessary for them. Their profits ought to be made out of the ordinary work which Railway Companies undertake to perform as common carriers. Although it is perfectly true, and I thank the Government for it, that we have a clause by which, when Local Authority takes over this market, there is to be no claim for compensation. I regret very much that these Market Clauses should appear in the Bill at all. I think we ought also to feel indebted to the Committee and the Chairman of the Committee for the efforts they have made to look after the interests of the home growers, seeing that it is so much to the interest of the Railway Company to carry large quantities for the middlemen rather than small quantities for the producer who consigns them straight to the consumer. I entreat the House not to give to this Railway Company the large powers which they now seek.

Mr. HANBURY (Preston): Although the Amendment of the hon. Member for Westminster (Mr. Burdett-Coutts) only refers to one market—namely, that at Bishopsgate, practically this discussion will deal with them as the hon. Member for Northampton (Mr. Bradlaugh) has suggested. I admit at once that the question which the hon. Member has raised, as to tolls, is a very important one indeed. The principle on which the Committee went was that the tolls levied at these markets should be lower than any other tolls at any other market in London. I think that that was safeguarding the rights of the public to a very considerable extent.

Mr. BRADLAUGH: Did the Committee have any evidence that the tolls are lower?

Mr. HANBURY: Yes; there was a good deal of evidence to that effect, and I believe that the Great Eastern Railway Company are willing that the tolls levied in these markets should be lower than those levied in any other market in London. As to foreign produce, I sympathize thoroughly with the remarks of the hon. Member with respect to preferential rates for foreign produce; but, unfortunately, it was a question of rates with which the Committee have no power to deal in a Bill of this sort. The same remark applies to the encouragement of the small producers. Unfortunately their case also was not one for the Committee to deal with; but I should have thought that there were sufficient powers in the hands of the Railway Commissioners to see that the small producers are put on the same footing as the large. Then, as to the road-borne traffic, there again the hon. Member has raised what at first sight may seem to be a grievance; but Bishopsgate Market is in a peculiar position. In the first place, there are two road-borne markets within 400 yards of it on each side, and therefore there is not the same necessity for a road-borne market as there is for a rail-borne market. On the other hand, the Committee were most anxious, if it could be established, to see a fair road-borne market; but in regard to Bishopsgate Market we found, that although a large market itself, the purchasers are small purchasers, and that it is impossible to constitute it both a rail-borne and a road-borne market at the same time. There were some other reasons why it was not constituted a road-borne market. I would ask the hon. Member for Northampton to recollect that while we had to consider the interests of the public, we had also to fight the monopolists of the markets at the present moment. The hon. Member for Westminster, in the beginning of his speech, said he was afraid that the Bill was practically introducing the new principle of allowing a Railway Company to hold a market. The hon. Gentleman got a Bill passed through this House making him the owner of a railroad also.

Mr. BURDETT-COUTTS: I am sure the hon. Member would not wish to misrepresent me. I got no Bill to make myself the owner of a railway anywhere. The Bill I got was one to make myself the owner of tram lines, and put myself in communication with the railway; but the whole point of my enterprise was that it was to put me in communication with *all* the railroads of England, and therefore secure perfect competition of rates and charges to the market—a very different thing from one big railway line controlling a market.

Mr. HANBURY: It was something more than a tramway, for it was in actual connection with the line, and the trains of the North-Western Railway ran over it. We have been told over and over again that there is not a single line which runs into his market which cannot also run into this market at Bishopsgate. We talk as if it were a new proposal to open a market at Bishopsgate at all; but, as a matter of fact, in 1883 Parliament allowed a market for fish and meat to be established at Bishopsgate, but it was not allowed to be a market for vegetables, and for this reason—it was because there was a very great monopoly at Spitalfields Market, where the owner of the market was enabled, under an old Charter of King James II., when the population of London was a hundred fold less then it is now, to prevent anybody, within six miles, from selling any vegetables at all. That was a monstrous monopoly; but it existed. You have the fact that the Committee having broken down that monopoly there is no disposition that Stratford Market should be discontinued. Not a man came before the Committee to say he wanted the market discontinued. But what was the whole argument of those who opposed the continuance of the market at Bishopsgate? Why that Stratford Market had been going on for the last seven years, and was under no Parliamentary powers, and therefore was illegal, and the salesmen at Stratford, and the West Ham Corporation, if the

Great Eastern authorities did not do their bidding exactly, and carry on the market as they wanted, could come against them with an injunction and say—"We will shut up your market altogether." Here, then, you have the fact that they wish this market to be continued, and the only opposition to our powers is on the part of those men who wish to have entirely the whip hands of the Great Eastern Railway Company. I do not believe Parliament would wish that the Railway Company should be put any longer in this position of having a market which anybody could close at once by an injunction. It is much more straightforward and honest to come before this House, and frankly ask to have market powers given to them. Then, I say, if they are entitled to have a market at Bishopsgate for fish and meat, how much more necessary is it to have a market for vegetables, for what is the condition of things at present?

Mr. BURDETT-COUTTS: The Great Eastern have no market rights at all, and never had. They simply have a power to open shops.

Mr. HANBURY: Take the poor of the East End; they are dependent almost entirely for vegetables on those which are brought by road. Well, we know how the area of London is extending; how great districts, like South Kensington for instance, are now completely transformed by buildings. It is all the more necessary that London should be supplied with vegetables from a great distance. A great deal of the opposition springs from those who bring road-borne produce to market; but it is for the interests of the public that they should have good, sound, healthy vegetables brought for them by rail. But that cannot be done at present, because there are no markets at the railway stations, and the vegetables are much damaged by being transferred from the railway trucks to the ordinary markets. Therefore, I believe the Railway Company are doing good to the public and to the poor by this proposal, which would enable them to get their vegetables without all this friction and transference. Then, I ask, is this a time, when the agricultural districts are suffering so severely, when the farmers do not know which way to turn in order to make both ends meet, to refuse what is asked? Surely it would be well for the farmers, and those who depend upon them, that markets should be open to them in London, so that they might send their produce there. Mr. Clare Sewell Read, who is a great authority on such a subject, said, when he was examined before the Committee, that it was a matter of life or death to the farmers of Norfolk and Suffolk that they should have a market to send to. As to the Local Authorities, and their right to establish markets, the Bill was opposed by the Local Authorities, who thought that if they had powers for markets of their own, it would be better. But the President of the Local Government Board (Mr. Ritchie) has settled that matter by providing that there shall be no interference with the powers of the Local Authorities—that if the Bill is passed, the Local Authorities shall not have to fight the battle over again with the monopolists, and that it will be easier for them, and a positive advantage to them, that the Bill should have been passed. Now, there is one other point to which I wish specially to direct attention, and it arises out of the remarks of the hon. Member for Westminster (Mr. Burdett-Coutts). If he is the owner of a rival market, I do not say that he has not a right to attend to his own private interests in this House; but I do say this—that we must look at Columbia Market and the position it occupies. It was originally carried on on purely philanthropic principles; and, I am sorry to say, that it was about as dead a failure as ever there was in this world. But since the hon. Member for Westminster has come into connection with that market, he has conducted it very wisely indeed on purely commercial principles.

Mr. BURDETT-COUTTS: How?

Mr. HANBURY: Well, in the first place, he has power to raise very heavy tolls indeed—tolls very much in excess of anything to be levied under this Bill.

Mr. BURDETT-COUTTS: I beg to say that no tolls of any kind have ever been charged in Columbia Market. The hon. Member began to describe how I am conducting the market at present. What have these old latent powers to do with that?

Mr. HANBURY: No, I dare say not; but we have no guarantee that they will not be. The tolls which the hon. Member has power to raise are greater than at any other market in London. Now, I do not wish to trust to anybody's philanthropy. I look at the fact, and the fact is that the tolls which may be levied there are much greater than anything we ask for. Then, again, Columbia Market, magnificent as it is—and I am bound to say that the people and the poor of London owe a vast debt of gratitude to the lady who established it; but, fine as it is, it is small and limited in area, and is not fit for a wholesale market in any sense of the word.

Mr. BURDETT-COUTTS: It has large powers of extension.

Mr. HANBURY: I am talking of it as it exists at the present moment. I say it is not fit for a wholesale market as it stands. The hon. Member for Westminster says he is the owner of railway communication. Well, if that is the case, I do not see how he is entitled to oppose another railway which would let into another market as many railroads as are admitted into Columbia Market.

Mr. BURDETT-COUTTS: The Great Eastern won't let any other line into their market.

Mr. HANBURY: But how far have we met him? We recognize that it would be grossly unfair, after all he has done for Columbia Market, and after he has got powers to establish railway communication, to let the Great Eastern Railway Company come in at once as a rival railway market. It was represented to us very fairly, that if the Great Eastern Railway Company were to establish their market at once it would get a monopoly, and the hon. Member would start under great difficulties. But what did we do? We inserted a clause which provided, that if the hon. Member did use the powers he obtained in 1885, to establish a railway market within a reasonable period, the Great Eastern Railway Company should not start their market until such period, and the two parties should then start on absolutely fair terms. We could not have done more. I do not think there are any other points which it is necessary for me to enter into; but I do maintain that this is a Bill in the interests of the public, and we certainly want to see the system at work—there can be no doubt whatever about that. I think the objections of the hon. Member for Northampton (Mr. Bradlaugh) are very fair and just, and should be provided for in the Bill, and on the third reading, I will give him my support upon them—that is, so far as tolls are concerned, and making them lower than those of any other market in London. Then, I think, this Bill and these markets will be distinctly in the interests of the public. They are in the interests of the Local Authorities who wish to become owners of markets. They are in the interests of the farmers who are served by the Great Eastern Railway. Finally, they are essentially in the interests of the poor of London, who are entitled to have their fresh vegetables where they can get them best and cheapest.

Sir JULIAN GOLDSMID (St. Pancras, S.): I have listened with great attention to the argument of the hon. Member for Preston (Mr. Hanbury), who has constituted himself the defender of the Railway Company in this House, and I undertake, if necessary, to prove in a very few words the truth of what I say in opposition to his view. Now, I have a right to be heard for a few moments upon this question.

Mr. LABOUCHERE (Northampton): I rise to a point of Procedure, Sir. I claim to move that the Question be now put.

Mr. SPEAKER: The hon. Member having made that Motion, I decline to put it.

Sir JULIAN GOLDSMID: I think the House ought to know what the Railway Company have tried to do for years, and what it is that they propose to do now. Their station at Bishopsgate is within 300 yards of the Spitalfields Market. It is a market which receives a large amount of produce carried by road, and also a large amount carried by the Great Eastern Railway Company; and when the Great Eastern Railway Company tried, on a previous occasion, to start this Bishopsgate Market, we opposed it for the reason that they would have taken away all the railway-borne business which we had formed. The Railway Company fought the question through all the Courts right up to the House of Lords, and the House of Lords decided that they had no right. The Railway Company during the progress of this great suit came to the House of Commons, and asked for the powers at Bishopsgate which the hon. Member the defender of the Railway Company (Mr. Hanbury) has just given. The Railway Company did not get them, and the Committee of that day marked their opinion very strongly by giving costs against the Railway Company. That is a very rare thing to do, and shows the opinion of the then Committee. What has happened since? At Stratford they have carried on their business without having a market of their own, and the owners of Spitalfields have in no way objected; but they have objected when the Company has tried to transfer the business of Spitalfields Market to Bishopsgate. The Railway Company have prevented most of the growers on their line from sending their goods to London, because they have charged such exorbitant rates. They admit that, for they themselves say that they propose to reduce their rates, and undertake to prove that it is owing to the high rates that the produce has not come. All that has come has been sent to Spitalfields Market, and has been sold in fair competition with road-borne produce. What does the Chairman of the Committee want them to do? When this Bill was brought in there were no Tolls Clauses in it at all. The Tolls Clauses were a subsequent idea, invented by the very acute solicitor of the Great Eastern Railway Company. It clearly caused the scheduled agreement to be rejected, and gave the Great Eastern Railway somebody else's property without fair compensation. I will put it to the President of the Local Government Board (Mr. Ritchie) whether it is an honest thing on the part of the Railway Company to transfer most of the business of the Spitalfields Market to the Great Eastern Railway Company without any payment of compensation in face of the fact that the House of Lords, and every other tribunal, have decided that they have no right to do so? I ask that question, and I should like to have an answer to it. When you remember that the Committee have decided to postpone the opening of the market for 18 months there is no hurry, and the hon. Member for Northampton (Mr. Bradlaugh) will probably have his Report before that time. I shall support the Motion of the hon. Member; but I put it to the Members of Her Majesty's Government to say whether in fact it is at all likely that the public will have any greater convenience from the transfer of the business done at Columbia and Spitalfields Markets to the Railway Company. That is the state of the case, and I hope the House will not approve of such a proceeding. I therefore trust the House will not agree to the Bill as it stands.

Major RASCH (Essex, S.E.): I should like, Mr. Speaker, to make a few remarks on this subject entirely in the interests of my constituents, many of whom are farmers and market gardeners in the Division of South Essex which I have the honour to represent. The House has heard the observation of the President of the Local Government Board (Mr. Ritchie) to the effect that the people of West Ham will be disposed to construct a market of their own, and that will have the effect of extinguishing the market of the Great Eastern Railway Company; but I venture to think it would not do us the least good. We have no influence whatever with the Corporation of West Ham; we cannot oblige them to start a market; and we are entirely in the hands of the Great Eastern Railway Company, as we have been for seven and a-half years. Let me give the House some reasons why we do not wish to be left without a market. As things are at present, we complain of the undue preference of rates and tolls, particularly in the case of what are known as road-borne goods; and I would like to ask hon. Members to look at Clause 63 of the Great Eastern Bill, which states that no undue preference shall be shown to produce borne by rail. I venture to submit that that sentence entirely invalidates the whole clause and makes it a bogus clause. At the end of the clause it is suggested that the decision of a magistrate—if the parties go to law—shall be final. But the magistrate would have no power over the Great Eastern Railway Company, and it is absurd to suppose that the gardeners and small farmers whom I represent would be able to fight a powerful Corporation like the Great Eastern. The reason, Sir, why the Great Eastern Railway Company give preferential rates and charges, and favour railway-borne over road-borne produce is that it pays them better. My constituents are men who have horses and carts, barrows and small trucks, and they would bring their produce if they could. But they are debarred from that, and are almost crushed out of existence. Another reason why the Great Eastern Company should not have a market is that they would be the landlords of the Stratford Market, and the salesmen there would be their three months tenants, and they would use their influence with these salesmen to induce them to bring their produce from districts further away than the suburban districts. The produce from the suburban districts would be kept back. At present the suburban produce which comes at 12 o'clock at night is retained until 6 in the morning till that coming from the Northern Counties of England can also be brought into the market. They charge 10*s*. a-ton on potatoes going from a distance short of Southend to the Stratford Market, while at the same time they charge only 9*s*. 2*d*. per ton on potatoes from Lincolnshire, which is four times as far, and only 5*s*. a-ton from Southend, which is 10 miles further than the district they charge 10*s*. from. I do not wish to trouble the House or take up any more time; but I would suggest to hon. Members that the Railway Companies are the worst possible masters of markets, for they use their influence in the interests of their shareholders first, and only secondly in the interests of producers and consumers. I would just allude to the speech of the hon. Member for Northampton (Mr. Bradlaugh) the other day, in which he said that the effect would be to increase the price of food and to put land out of cultivation. That is what is being done in my Division. Land is going out of cultivation because these men cannot get a market. If this Bill passes as it stands this House will have increased the price of food, and it will be against the interests of the people of the East End and of the small farmers and labourers. The matter is extremely important to the men whom I am sent here to represent.

LORD CLAUD HAMILTON (Liverpool, West Derby): Perhaps, Mr. Speaker, I may say a few words in the hope of bringing this discussion to a speedy close. In the first place, I would say a word in reply to the hon. and gallant Gentleman who has just sat down (Major Rasch). He says the people of his district are having their land going out of cultivation, and are unable to obtain the means of livelihood owing, in some indirect manner, to the influence of the Stratford Market. The House would gather that that market was a failure, and had not been appreciated by the public, but what are the facts? That market was established in 1879, and opened in 1880, and in the first year 5,100 tons of agricultural produce was brought into the market. The amount of produce had increased last year from 5,100 tons to 25,724 tons, making a total tonnage in six years of 102,493. These facts speak for themselves. It is idle to contend that the market has been a failure in any sense, or that it has not been appreciated by the consumers of the district when I quote these figures to the House. It has been suggested by the hon. Member for Westminster (Mr. Burdett-Coutts) that we are monopolists. Now, he was very careful to avoid bringing any evidence in support of that allegation. From the very first moment we endeavoured to open these markets we have been fighting tooth and nail against the monopolists of the district. We got powers under the Act of 1883, which in fact established a market at Bishopsgate, and that market would have succeeded if it had not been for the opposition of one of the monopolists in the person of the hon. Member for St. Pancras (Sir Julian Goldsmid). He obtained under his rights an injunction against us as regarded the continuance of that market. We fought our case on behalf of the public in every Court of Law up to the House of Lords, and in every instance the decision was against us, and in favour of the monopolists. They succeeded, and we have had to shut up the market which we had opened in competition with that of which the hon. Member for Westminster is part owner. Now, it has been said that the hon. Baronet the Member for St. Pancras (Sir Julian Goldsmid) is in some respect entitled to compensation. We made an agreement with the hon. Baronet and his co-owner, which agreement we were most anxious to see inserted in the Bill. The Committee declined to insert any such provision; but, at the same time, the Great Eastern Railway Company are perfectly willing that the decision of the Courts of Law should be embodied in the Bill should the House think fit—they are quite willing to insert a clause which would give the hon. Baronet and his co-owner the same tonnage rights they would have possessed according to the original agreement between us as the owners of Bishopsgate Market and themselves as owners of Spitalfields Market, so long as the former situation continues to be used as a market. [SIR JULIAN GOLDSMID: It would not give them to me.] Give them to the lessee of the hon. Baronet. Now, as regards Stratford Market we are in a perfectly different condition. The market rights which it is contended should be exercised at Stratford have never been recognized by any Court of Law, and, therefore, looking to the fact that the hon. Member for Northampton (Mr. Bradlaugh) obtained a Royal Commission to inquire into Market Rights, we maintain that any agreement we were willing to have entered into falls to the ground. Now that that agreement has been rejected by the Committee of this House we have nothing further to do with it. The hon. Member for Northampton has very fairly dealt with the various objections he holds with regard to this measure. One is the alleged differential charge between rail and road borne traffic. Now the Bill provides most carefully against any such differential charge in future, should any have been made in the past, and it also appoints a Stipendiary Magistrate, as has been alluded to, as the arbiter in cases of difference, and the hon. Member for West Ham (Mr. Forrest Fulton) proposes, with our consent, to insert in the Bill a clause imposing a penalty upon the Company when the Stipendiary Magistrate should find us guilty of making a differential charge. Further, I will myself give a pledge on behalf of the Company that we will not in any way encourage in the Stratford Market rail as against road-borne traffic, and I hope that assurance will be regarded as sufficient by the hon. Member.

MR. BRADLAUGH (Northampton): Can that assurance be embodied in the Bill? I quite accept the noble Lord's assurance; but some future Board of Directors might not think themselves bound by it.

LORD CLAUD HAMILTON: I quite agree with the hon. Member that we are all mortal; and, therefore, it would be advisable that that assurance should be embodied in the Bill, and I am perfectly willing to consent to its embodiment in the Bill. Well, then, there is the objection as regards the small occupiers. I can assure the hon. Member that, so far as we are concerned, we do not, and never have, favoured large producers as against small producers. Nothing of the kind. We are willing, as common carriers, to bring to market all that comes within our net; it is not our interest, as a Corporation, to do anything which will prejudice the small producers as against large producers. Now, the matter of tolls is a very important one. We cannot consent altogether to give up the tolls which we ask for in this Bill, and for this reason—we have been put to very large capital expense in establishing this market, and we are going to incur still further expense, and there is every day the out-goings consequent upon keeping the market in repair. But I will give this undertaking—that, under all circumstances, the tolls charged by us shall be less than the tolls charged by any other market in London. The tolls charged in Columbia Market are the highest in London, though I quite admit they have not always been exercised.

MR. BURDETT-COUTTS (Westminster): I pointed out that they had never been exercised. I cannot help their being in the Act. I cannot take them out. But everything I have done with respect to Columbia Market has been based upon the assumption that no tolls would be charged.

LORD CLAUD HAMILTON: I quite admit the intentions of the hon. Member are very good; but, as I observed before, we are all mortal, and that what we may wish to do at the present time, we may be compelled not to do at another time.

MR. BRADLAUGH: Do I understand the noble Lord to say he will also take care that that undertaking is in some formal way recorded in the Bill?

LORD CLAUD HAMILTON: If it can be done. ["Oh, oh!"]

MR. BRADLAUGH: I am afraid that if I am to withdraw my opposition, it must be on the undertaking that some means be found for doing it. Lawyers are very clever, and, I think, will have no difficulty in framing words to cover the undertaking.

LORD CLAUD HAMILTON: I put it in this way—if it can be done, it shall be done. I am not a lawyer, and I cannot speak definitely on the point; but I imagine it can be done.

Mr. BRADLAUGH: I think I can help your legal advisers in the matter.

Lord CLAUD HAMILTON: If the hon. Member will give us the benefit of his assistance, I am sure we shall readily accept it. Now, I think I have answered the main objections to this Bill. The House, I am sure, will understand that we possess no monopoly whatever. The Bill provides that any other market authority may be established next door to us, or opposite to us. We have no right whatever given by this Bill, which prevents another market being set up. We are not monopolists; but we are fighting against monopoly, and I trust that, under these circumstances, the House will assent to the adoption of this Bill.

Mr. O'DOHERTY (Donegal, N.): I will not occupy the House very long. I think that we on this side of the House occupy on this occasion the position of a jury so to speak. We have no prejudice one way or the other; and, therefore, are in a position to give an unbiased opinion. As far as I have been able to make out, a good deal of extraneous matter has been introduced by hon. Members—by the noble Lord (Lord Claud Hamilton), for instance, when he said the exertions of Railway Companies are made on behalf of the public; and also by some of those who preceded him, when they said that they acted on behalf of the consumers. I think neither of these positions can be fairly taken up by Companies in the present day. We must admit that most hon. Members who address the House are, in their remarks, actuated a good deal by their own self-interests, and that we are, as a House, to look upon matters from the point of view of the public interest, or from the point of view of the greatest good. I wish also to say distinctly that, so far as vested rights, upon which the hon. Baronet (Sir Julian Goldsmid) has particularly based his speech, are concerned, vested interests are capable of indefinite extension. Considering that vested rights in this case have not been very clearly put forward, we can scarcely hold that the hon. Baronet has made out a case. The great question involved in this matter is whether or not market rights can safely be entrusted, under the conditions laid down in this Bill, to a Railway Company. With regard to the locality in question, I am distinctly of opinion that the consumers will get no benefit whatever from the establishment of the proposed market. The consumers will have to pay the same, whether they buy in this market, or in the market of the hon. Member (Mr. Burdett-Coutts) who moved the Amendment. The producers will, however, obtain some benefit; and, therefore, I think that upon that ground there is something to be said in favour of the Railway Company. Then, let me regard the matter from another point of view entirely. We have, unfortunately, very large tracts of land in Ireland unsupplied with market accommodation. In the absence of Local Authorities capable of establishing markets, there is no one but Railway Companies to establish markets. There are many railway schemes projected, extending into the far West. It is impossible to carry a line through every village around the coast; but it is quite possible to carry a line to a district central to a large number of villages in the West, which at present are mere places of barter. I shall certainly vote in favour of a Railway Company having the right to establish a market. So far as the debate has gone, the question involved seems to be whether Railway Companies can be trusted with market rights. One Member who opposed this Bill in a very able speech, did so upon the ground that this particular Railway Company was not to be trusted. Now, I understand that this Bill has been considered by and approved by a Committee of this House; and I think that unless a most overwhelming case can be made out, it would be a monstrous thing for us to overturn the decision of our Committee.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): Mr. Speaker, I wish to make an appeal to the House. I think this question has now been completely debated, and that we may well come to a decision upon it. I appeal to the House to come to a decision without further delay.

Mr. BRADLAUGH (Northampton): Perhaps, by the indulgence of the House, I may be permitted to say that I have received most satisfactory assurances on every point which has been raised, and an undertaking to embody these assurances in the Bill when it goes to "another place." Therefore I and my hon. Friends will offer no further opposition to the Bill.

MR. DILLON (Mayo, E.): I think it is as well to point out to the First Lord of the Treasury that when nearly three-quarters of an hour ago we moved the closure from these Benches, the right hon. Gentleman made no sign of assenting to it. I, therefore, do not see that he has much cause to complain of the length of the debate.

MR. PICKERSGILL (Bethnal Green, S.W.): As both Bishopsgate and Columbia Markets are situated in my constituency, perhaps, by the kind indulgence of the House, I may, even after the expostulation of the First Lord of the Treasury, say a few words on this question. I want, in the first place, to meet the challenge which was thrown out by the noble Lord (Lord Claud Hamilton). The noble Lord endeavoured to represent the Company with which he is intimately connected as fighting against monopolies, and he challenged us to bring forward a single particle of evidence which would exhibit them in a different character. Sir, I take up the challenge which the noble Lord threw down. As this Bill was originally introduced in the House there was appended to it an agreement between this Company and Mr. Horner, the lessee of Spitalfields Market, and in that agreement there was one clause which particularly struck my attention. It was to this effect—that six of the tenants of Spitalfields Market should always have a prior right of holding in the new market to be established at Bishopsgate. Now, I ask the House whether you could have a provision more admirably adapted to form the nucleus of one of those food-rings from which the population of this Metropolis so grievously suffer? One great objection to the establishment of a market at Bishopsgate consists in this—that land-borne produce is absolutely excluded from the market. I need not enlarge, for other speakers have done so, upon the grievous injury which this provision would inflict upon the small producers whom we are all most anxious to encourage. But I think I may perhaps be permitted to point out what seems to me the greatest inconsistency in the conclusions of the Committee in regard to this matter. So far as the Stratford Market is concerned, they have stipulated, and rightly stipulated, that land-borne produce and rail-borne produce should be treated upon exactly equal terms; but, Sir, what greater inequality can there possibly be than the absolute exclusion of land-borne produce from the Bishopsgate Market. Although I would not say that the Committee have strained at a gnat with regard to Stratford Market, I maintain they have certainly swallowed the camel with regard to Bishopsgate Market. I quite admit that Bishopsgate Market is, by its nature and its surroundings, absolutely disqualified for the admission of land-borne produce, but that seems to me to be a reason, not for disposing of an essential condition, but simply for looking elsewhere for the site for your market. Of all individuals, or Corporations, which might be constituted market authorities, it seems to me that a Railway Company is the worst. Now, it has been said that this is not a favourable and opportune time for coming to this House and asking for new market powers. That is obvious. I do not know that it has been ever impressed upon the House that there is really any occasion for hurry. There is no need why we should come to a decision upon the point at the present time. The hon. Member for Preston (Mr. Hanbury) dwelt, and I thought rather irrelevantly, on the argument advanced from this side of the House upon the desirability of extending market accommodation; but the effect of passing this Bill will not be immediately to extend the market accommodation of London. So far as the Stratford Market is concerned, you have had a market open there for eight years, and without Parliamentary powers, and there is no doubt that the market will continue. So far as Bishopsgate Market is concerned, I may point out it is not proposed to give to the Great Eastern Railway Company power to open the market at Bishopsgate at once, but only after the expiration of 18 months from the passing of the Bill. Well, Sir, within 18 months of the passing of the Bill it is probable that we shall have the Report of the Commissioners who have been appointed to consider the whole question of market rights; and I do therefore ask the House to wait until they can decide this question by the light of the information which the

Commissioners will give them, and by the aid of the recommendations which the Commissioners will make.

Mr. P. M'DONALD (Sligo, N.): As I had the honour of serving on the Committee, I am anxious to say a few words with reference to the Motion now before the House. The remark has been made more than once that the proceedings of Committees on Private Bills are always fairly and honourably conducted, inasmuch as politics do not enter into the minds of the Members forming the Committee. Now, Sir, I can bear testimony to the manner in which this Committee discharged its duties. I believe that no two Members of the Committee were perfectly in accord as regards politics; but I am forced to say that we were practically unanimous in the decision we came to. I say practically, Sir, because it was only on one small point that we differed. We devoted something like 21 or 22 days to the consideration of the question; we examined numberless witnesses, and considered the case in all its bearings. We had an opportunity of testing the value of the evidence given us, and we availed ourselves of it more fully, possibly, than is generally done. It has also been said more than once that monopolies should not be allowed to exist. Why, the first consideration of our Committee was to break down monopolies. Two or three monopolies were installed before us, and we at once resolved that anything that lay in our power in the way of breaking down monopolies should be done. We did, Sir, in one case, endeavour to break down a monopoly, and that was the monopoly of Spitalfields Market, the Charter of which was granted, I think, in the reign of James II. I myself put a question to the present lessee of that market. I asked him if a line of carts extended six miles from the market, would he claim to levy toll on all the carts, and his answer was that he certainly should, if the line was unbroken. The House will agree with me that it is monstrous that the lessee of the market should have the right to levy toll over an area of six miles radius. Now, the considerations we took into account were, firstly, the requirements of the poor and increasing population of the East End; secondly, the agricultural interests of the Eastern portion of England—we very anxiously considered the requirements of the local growers around London, particularly in the Eastern Counties, so as to give at least equal and full facilities to the road-borne produce as to the rail-borne produce; thirdly, the facilities of supplying the large and increasing population of the Metropolis; and fourthly, the desirability of reducing the price of food, and the rates of carriage which the Railway Company charge. On all these matters we were thoroughly and fully agreed. I am pleased that the objections raised by the hon. Member for Northampton (Mr. Bradlaugh) have been readily met by the promoters of the Bill. Under the circumstances, I think the House will agree with me that the Committee came to the right conclusion.

Question put, and *agreed to.*

Amendments made.

Bill to be read the third time.

QUESTIONS.

WAR OFFICE—ARMY ABROAD AND IN INDIA—AUDIT OF ACCOUNTS.

Mr. HOWARD VINCENT (Sheffield, Central) asked the Secretary of State for War, If it is a fact that the accounts of the Army abroad and India are audited every month, while those of the Army at home are only audited half yearly; and, in such case, what is the reason for the distinction; and, if he will consider whether a monthly audit would be advantageous to financial control in the public interest, as well as more satisfactory to the officers of the Army Pay Department?

The FINANCIAL SECRETARY, WAR DEPARTMENT (Mr. Brodrick) (Surrey, Guildford) (who replied) said: In reply to this Question, I have to say that I am quite of opinion that a monthly audit of accounts is preferable on many grounds; and I am now considering a scheme by which it may be arrived at without causing additional charge against the public.

WAR OFFICE—COMPENSATION TO CERTAIN SENIOR MAJORS.

General Sir WILLIAM CROSSMAN (Portsmouth) asked the Secretary of State for War, Whether he will take into consideration the claims for compensation, in some way or other, of those senior Majors in the Army, very few of whom remain, who attained the rank of Captain before the abolition of purchase, and who, owing to the issue of the Royal Warrant of 1st January, 1887, have lost the chance of early promotion, and many of whom will probably have to retire on account of age before attaining the rank of substantive Lieutenant Colonel; and, whether it is the fact that those few officers who consequently do not attain the rank of Lieutenant Colonel will lose at least £50 per year pension?

THE FINANCIAL SECRETARY, WAR DEPARTMENT (Mr. BRODRICK) (Surrey, Guildford) (who replied) said: A certain number of Majors will have their chances of promotion impaired by the reduction in regimental establishments; but I cannot admit any claim to compensation arising on such grounds. The original Warrant of 1877, which brought in compulsory retirement, made a liberal provision for compensating what were then looked upon, perhaps justly, as the vested rights of purchase officers; but in the preamble of that Warrant, and of every subsequent Warrant on Promotion and Retirement, it was clearly stipulated that no future claim should arise for compensation in regard to any promotion or pension which might be affected by any Warrant or change of regulation issued thereafter. This I must adhere to as a general principle; and, as regards this particular case, I may point out that before the changes of establishment made in 1881 there was only one Lieutenant Colonel in a regiment of Cavalry or battalion of Infantry, so that the present senior Major would, but for that change, have been the second Major, with only one officer in the rank next above him.

WAR OFFICE—REGIMENTAL TRANSPORT AT ALDERSHOT — GENERAL SERVICE WAGONS.

COLONEL LLOYD ANSTRUTHER (Suffolk, Woodbridge) asked the Secretary of State for War, Whether it is the case that the general service wagons, just issued to the Regimental Transport at Aldershot, have not had their guard-irons and foot-boards altered according to pattern laid down in War Office Order, No. 4741, of 1885; and, if so, who is responsible for such omission; whether the Order quoted was issued on account of some men of the Army Service Corps having been killed and injured, owing to accidents caused by the defective construction of the guard-irons and foot-boards, prior to 1885; and, whether the reserve of general service wagons in store are all of defective pattern?

THE SURVEYOR GENERAL OF ORDNANCE (Mr. NORTHCOTE) (Exeter) (who replied) said: The wagons issued lately at Aldershot are only intended for use temporarily till others of the altered pattern are received from Woolwich. No wagons are issued from the reserve store at Woolwich until they have been altered in accordance with the Order of 1885. Orders were given to have all wagons altered according to the pattern specified in the Question; and those at Aldershot ought to have been so altered locally, as they were in store there when the orders were given. I will cause inquiry to be made as to the cause of the omission. The Order of 1885 was issued in consequence of a fatal accident to two men of the Commissariat and Transport Corps.

LAW AND JUSTICE (IRELAND)—THE BROTHERS HOWARD, IMPRISONED FOR CONTEMPT OF COURT.

MR. MURPHY (Dublin, St. Patrick's) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether information has reached him that the two brothers named Howard, in Kilmainham Gaol since June, 1886, under committal by the Vice Chancellor of Ireland for contempt of Court, are both men of weak intellect, in fact almost imbecile, and incapable of understanding the reason why they were committed to prison, or why they are kept there; whether, in a Return recently presented to Parliament, the mental condition of both these men is described as "indifferent;" will he make inquiries into those cases, and get a full Report from the medical officer; and, if the facts are as indicated, will he take steps to obtain the release of the Howards?

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University) (who replied) said, he understood the brothers Howard were committed not by the Vice Chancellor, but by the Judge of the Land Division of the High Court of Justice. The prison medical officer had furnished a Report as to the mental condition of the men; and the Chief Secretary would have that Report forwarded to the Judge, with a view to his taking such action as he thought right.

Dr. KENNY (Cork, S.): May I ask the right hon. and learned Gentleman to answer the latter part of the Question?

Mr. HOLMES: I have answered it.

Dr. KENNY: I beg to say that I will repeat the latter portion of the Question.

LAW AND JUSTICE (IRELAND)—IMPRISONMENT OF MICHAEL SPILLANE.

Mr. MURPHY (Dublin, St. Patrick's) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Michael Spillane has been confined in Kilmainham Gaol since the 19th January, 1886, when he was committed by Judge Boyd for unsatisfactory answering in the Bankruptcy Court; whether all his assets were subsequently realized, and the entire proceeds handed over to the Court; whether his wife, a fortnight after her confinement, and nine children, the eldest under 15 years of age, were turned out of their house and obliged to take refuge in the Killarney Workhouse, where they still remain; whether, in a Return recently presented to Parliament, the medical officer of the gaol reports that this man has a serious cardiac affection; and, whether, considering the punishment already inflicted on Spillane, he will make representations in the proper quarter with a view of obtaining his release from prison?

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University) (who replied) said, Spillane had been committed by Judge Boyd under the circumstances stated. He had no means of ascertaining whether the statements in paragraphs 2 and 3 of the Question were correct or not. A Report had been received from the medical officer of the prison that the man was suffering from a cardiac affection, and that Report had been forwarded to the learned Judge.

Dr. KENNY (Cork, S.) asked, would the Government take immediate steps to have the man liberated?

Mr. HOLMES said, the Report of the medical officer had been sent to the learned Judge by that evening's post, and the Government could not do anything beyond that.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked, were periodical Reports not made in regard to prisoners of this description?

Mr. HOLMES said, if the hon. Member wanted an answer to that Question he should put it on the Paper, as he (Mr. Holmes) was not acquainted with the procedure of the prison in the matter.

SCOTLAND—TWEED FISHERIES—ALLEGED TRESPASSES.

Mr. A. L. BROWN (Hawick, &c.) asked the Lord Advocate, Whether his attention has been called to the case of Mr. David Maxwell, journeyman saddler, who it is reported on the 30th April last was fishing for trout on that part of the River Tweed, near Kelso, known as the "Junction Water," which it is alleged has always been open to the public for trout fishing, and no intimation has been made that it is closed; whether Mr. J. F. W. Drummond, Writer to the Signet, who leases a salmon fishing on the Tweed, which includes the "Junction Water," ordered Mr. Maxwell to desist from fishing, and, on his refusing, pushed him from a boat, so that Mr. Maxwell was immersed in the river; whether this assault was reported to the County Fiscal, who refused to take it up; and, whether he will instruct the Fiscal to proceed with the case?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): My attention has been called to this case. I understand that Mr. Drummond, who is lessee of the fishing at the part of the river in question, has always permitted angling for trout, and has no intention of preventing members of the public enjoying this sport; but he does object to people wading in deep and fishing into the salmon casts of which he is tenant. On the occasion in question Mr. Drummond was fishing for salmon, and Mr. Maxwell was up to his middle in the water fishing for trout in the same pool. Mr. Drummond remonstrated with him, and told him that, while he did not object to his fishing for trout at other parts of his water, he objected to his wading into his salmon cast, and he repeatedly asked him to leave that part of the water. Mr. Maxwell, erroneously believing that his having fished for many years on that water gave him a legal right to do so, refused to leave the salmon cast; and Mr. Drummond, coming up in his fishing boat, insisted on his going away, telling him that if he would not legal proceedings would have to be taken. Mr. Drummond did give Mr. Maxwell what the onlookers described as a slight push on the shoulder with his hand. Mr. Maxwell fell. He at once said he had got what he wanted, presumably meaning that he had got a legal case. He was not injured, and went on fishing for some time. On a complaint being made, the Procurator Fiscal made an inquiry, and was satisfied that there was not ground for a criminal prosecution. I have seen the note of evidence taken on the inquiry, and also a fuller precognition taken since, and I concur in the opinion of the Procurator Fiscal.

Mr. A. L. BROWN: I should like to ask the Lord Advocate if a poor man may push a rich man into the water?

Mr. SPEAKER: Order, order!

WAR OFFICE (ORDNANCE DEPARTMENT)—COLONEL MAITLAND, SUPERINTENDENT OF GUN FACTORY, WOOLWICH.

Major RASCH (Essex, S.E.) asked the Surveyor General of the Ordnance, Whether it is the fact that it is in contemplation to appoint Colonel Maitland (Superintendent of Gun Factory at Woolwich) to a higher post; and, who is chiefly responsible for the design of the 14 43-ton guns condemned as worthless, after the bursting of the *Collingwood's* gun, and which cost about £90,000?

Mr. HANBURY (Preston) also asked, What use it was intended to make of the 13 guns which had not burst, and which had been condemned as useless?

The SURVEYOR GENERAL (Mr. Northcote) (Exeter): The first part of the Question is for the Secretary of State. I can only say that, as yet, I have received no information on the subject; and I presume that my right hon. Friend is unlikely to consider questions of new appointments until he has studied the Reports of the Royal Commission and of the Earl of Morley's Committee on the Manufacturing Departments. With regard to the second part of the Question, Colonel Maitland accepts the responsibility for the design and submission of the *Collingwood* gun to the Ordnance Committee. So far from these guns being condemned as worthless, they are being chase-hooped and issued for service in the forts, and are used with most satisfactory results for testing the new steel armour-piercing projectiles. As regards the chase, the part which failed, the design was in conformity with the practice of the best Continental makers of ordnance, all of whom have been compelled to follow the chase-hooping plan which has been adopted by us.

CHARITABLE DONATIONS AND BEQUESTS (IRELAND)—THE EATON BEQUEST.

Mr. W. J. CORBET (Wicklow, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If the Commissioners of Charitable Donations and Bequests made a Special Report to Government or to the Attorney General for Ireland, in reference to the disposal of the fund left by the will of Miss Catherine Eaton, to establish a woollen factory in the town of Wicklow; and, if so, will he lay it upon the Table of the House?

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University) (who replied) said, no such Special Report was made to the Government; but the case was laid before the late Attorney General for Ireland for his opinion. That case could not be laid on the Table of the House; but he would allow the hon. Member to see it if he called at his Office.

LIGHTHOUSES AND LIGHTSHIPS—TELEGRAPHIC COMMUNICATION—LORD CRAWFORD'S COMMITTEE—TORY ISLAND.

Lord ERNEST HAMILTON (Tyrone, N.) asked the Secretary to the Board of Trade, When the Report of Lord Crawford's Committee on the Connection of Lighthouses and Lightships with the Mainland by Telegraph Communication, so far as regards Tory Island, will be laid upon the Table?

The SECRETARY (Baron Henry De Worms) (Liverpool, East Toxteth): The Board of Trade are informed by the Committee that their Report will be sent in with as little delay as possible. I am not aware that a special Report will be made with regard to Tory Island.

NATIONAL EDUCATION (IRELAND)—CARRICKAWILKIN (CO. ARMAGH) NATIONAL SCHOOL.

Mr. P. O'BRIEN (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether a teacher has yet been appointed to fill the vacancy created in the Carrickawilkin (County Armagh) National School, by the dismissal of Mr. T. A. Irwin; and, if not, will he explain the cause of the delay, and when it is intended to make the appointment?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): A communication has been received by the Board of National Education from the management of the school announcing the appointment of a new teacher.

CIVIL SERVICE WRITERS—THE TREASURY MINUTE.

Mr. O. V. MORGAN (Battersea) asked Mr. Chancellor of the Exchequer, How many Civil Service writers have, under the terms of the Treasury Minute of the 22nd December last, been recommended for promotion to the Lower Division clerkships; what number of writers so recommended have been placed on the Lower Division; and, can he also state the number of writers who have accepted the gratuity offered, and have left the Government service?

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.) (who replied) said: The Chancellor of the Exchequer has asked me to answer Questions relating to the writers. I practically answered this Question in my reply to the hon. Member for the Harbour Division of Dublin (Mr. T. C. Harrington) yesterday. The number of copyists who have accepted the gratuity and left the Government service is 31.

PIERS AND HARBOURS (IRELAND)—THE PIER AT CAPE CLEAR ISLAND.

Mr. GILHOOLY (Cork, W.) asked the Secretary to the Board of Trade, Whether it is a fact that a pier, which was constructed by the Commissioners of Irish Public Works at Cape Clear Island 12 years ago, is, for all practical purposes, useless to the inhabitants of that Island; whether the expenses of said pier were partly defrayed by local contributions; whether a Memorial praying that its defects would be remedied was received by the Commissioners of Irish Public Works in 1884; and, whether, considering the importance of Cape Clear as a fishing station, steps will be taken to make the pier of some advantage to the inhabitants of the Island?

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.) (who replied) said: The information which comes to me does not show that this pier is useless for all practical purposes. The expense of erection was partly defrayed by local contributions. A Memorial was received on October 29, 1883, and was forwarded the next day to the Commissioners appointed under the Sea Fisheries Act, who, however, did not see fit to allocate any sum for the execution of works. The Board of Works have no funds at their disposal at present which could be applied to improvements at Cape Clear.

Dr. TANNER (Cork Co., Mid): May I ask the hon. Gentleman for what practical purposes is the pier useful? I know none.

[No reply.]

BOARD OF PUBLIC WORKS (IRELAND)—LOO ROCK.

Mr. GILHOOLY (Cork, W.) asked the Secretary to the Board of Trade, Whether it is a fact that the men employed by the Board of Irish Public Works at Loo Rock for the past three years have recently discontinued working; and, if so, when their operations will be resumed?

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.) (who replied) said: In consequence of the exposed position of this rock—which is also little above low water—it is impossible to execute works on it except in very calm weather, and, therefore, the works were suspended on October 29 last. The chief engineer to the Board of Works visited the rock on the 12th instant, and has called for a tender from an experienced contractor, which it is expected will be received within the present week.

CUSTOMS AND EXCISE—METHODS OF TESTING SPIRITS IN BOTTLES.

Mr. YOUNG (Christchurch) asked Mr. Chancellor of the Exchequer, Whether complaints have reached him that it is the practice of Her Majesty's Officers of Customs and Excise to open bottles taken from cases containing spirits, and to withdraw therefrom a considerable portion of liquor, in order to test the strength of the spirit contained therein, and then to replace the bottles so opened in the case from which they were taken without any notification of the fact to those to whom such cases are consigned, thus entailing a considerable loss to the consignees on the cases so opened; and, whether he will take steps to remedy this grievance by having the cases so opened specially marked and charged with a lower duty?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): I have received no complaints on this subject, nor have the Board of Inland Revenue, and I understand that the Board of Customs seldom receive any. The process of sampling and testing the strength of spirits is too long for me to explain in answer to a Question; but if the hon. Gentleman will speak to me I shall be happy to put him in communication with the Boards of Customs and Inland Revenue, who will give him every information. I may, however, say that no bottle is sampled without being labelled as such.

EDUCATION DEPARTMENT — THE ROYAL COMMISSION ON THE EDUCATION ACTS.

Mr. HANBURY (Preston) asked the Vice President of the Committee of Council on Education, Whether the Royal Commission on the Education Acts are expected to report at an early date?

The VICE PRESIDENT (Sir William Hart Dyke) (Kent, Dartford), in reply, said, that another volume of evidence had been issued by the Royal Commission. He feared there was no chance of the Report being presented before the close of the present Session.

ADMIRALTY — THE DOCKYARDS — GRATUITIES TO DISCHARGED WORKMEN.

Mr. J. O'CONNOR (Tipperary, S.) asked the First Lord of the Admiralty, Whether it is a fact that a gratuity of one month's pay was awarded to workmen of seven years' service on being discharged from Chatham Dockyard; and, whether he will extend a like favour to the men under notice to be discharged from Haulbowline on the 1st June?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): The gratuity of a month's pay which is to be awarded to certain classes of workmen of Chatham Dockyard will be extended to all classes of workmen of similar standing and occupation who may be discharged this year in consequence of the reduction of the Dockyard establishments. I cannot say now if the men under notice to be discharged from Haulbowline on the 1st of June will come in this category; but my impression is that they will not.

IRISH LAND COMMISSIONERS — SITTING AT CLONMEL.

Mr. FLYNN (Cork, N.) (for Mr. J. O'Connor) (Tipperary, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that the Land Commissioners have not sat in Clonmel since February, 1884; whether a large number of cases for settlement of rent have been listed for hearing from the surrounding districts, some of the originating notices having been served nearly three years ago; and, whether he will inquire if the Commissioners can advance the date fixed by them for the hearing of these cases?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): The Land Commissioners report that the facts are in no wise as alleged in the Question. The Munster Sub-Commission held sittings in the County Tipperary in May, 1886, and sat in Court at Clonmel towards the end of that month. No Tipperary cases in Clonmel Union were then left remaining over; and of the part of the County Waterford which is situate in Clonmel Union there are only three cases remaining over from the June, 1886, sittings, from which they were necessarily adjourned. The hearing of Tipperary cases will probably be again taken up in the usual course towards the end of July. It would not be practicable to advance the date.

INDIA (BENGAL)—MANUFACTURE OF SPIRITS.

Mr. S. SMITH (Flintshire) asked the Under Secretary of State for India, Whether his attention has been drawn to the announcement that it is in contemplation to establish 52 out-stills for the manufacture of spirits in the Hugli District of Bengal; whether one such out-still was opened at Bhastarah, on the 1st of April last, with the effect of disturbing the peace of the village; and, whether he will communicate with the Government of India, with a view to suppress these provocations to intemperance?

The UNDER SECTERARY of STATE (Sir John Gorst) (Chatham): The statements implied in this Question would come under the notice of the Government of India in the ordinary course. The Secretary of State has no information about them, and he does not think it necessary to send a despatch on the subject. This Question, and others recently put by the hon. Member, seem to suggest that our policy in India is to encourage intemperance for the sake of revenue. I am informed that the precise contrary is the fact. The consumption of spirits is checked by a repressively high duty; and since 1872, in consequence of improvements in the Abkari Administration, the number of liquor shops has steadily and appreciably decreased, notwithstanding the increase of the population during that period.

INDIA—ADMISSION OF NATIVES AND EUROPEANS TO THE PUBLIC SERVICE.

Mr. KING (Hull, Central) asked the Under Secretary of State for India, Whether the Government of India, having, since the Commission as constituted under Sir Charles Aitchison broke up, appointed a limited Sub-Committee to inquire into the subject of the admission not only of Natives but Europeans to all the more important branches of the Public Service connected with the Civil administration of the country, thus largely extending the scope of the inquiry, any arrangements have been made to give the Uncovenanted Service a fair opportunity of laying its grievances before the Committee; whether his attention has been called to the expressions of alarm in the Indian Press and among the Anglo-Indian community at the course being pursued by the Government of India, owing to the suspicion that very important changes are contemplated in the organization and condition of the Services, especially in the direction of a large admission of Natives to important positions in the Services; whether the Under Secretary of State has information that the Bengal Chamber of Commerce has had submitted to it a letter strongly deprecating the course now being pursued by the Government in relation to this question; whether, having regard to the grave interests involved, he can make any statement with regard to the ultimate object of the inquiry, and the time within which it will be brought to a conclusion, which may have the effect of re-assuring investors and others having interests in India that no serious changes are about to be made in the direction indicated in the above letter; and, what object the Government of India has in view in its present proceedings?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The Public Service Commission has not broken up. It was originally appointed in consequence of a Despatch of the Earl of Kimberley, dated 15th July, 1886, to inquire into the admission of Natives of India to officers formerly reserved exclusively for members of the Covenanted Civil Service. The Resolution of the 4th October, 1886, appointing the Commission, and the Resolution of the 8th March last, appointing the Sub-Committee, referred to by the hon. Member, have been laid upon the Table. From the former of these Resolutions it will be seen that the necessity for appointing such a Sub-Committee as that referred to was contemplated from the first. The latter of the Resolutions states the subjects referred to the Sub-Committee for inquiry, as—

> "First, the present Regulations of the various Departments as to admission to the various grades and ranks in each; the conditions of service in each Department; and the capacity for rendering efficient service therein of the various classes who put forward claims to such employment."

As regards the question of grievances, I must refer to the answer which I gave on the 12th. It is for the Commission and the Sub-Committee to make arrangements for obtaining full information on the subjects of the inquiry; and I have no reason to suppose that the Uncovenanted Service will not be given a fair opportunity for stating its grievances. I hope that this explanation will dispel the alarms and suspicions referred to in the second and third paragraphs of the Question, which have found expression in the newspaper articles and the letter mentioned. As regards the action to be taken in the future, it is intended that the Sub-Committee shall conclude its inquiry by the autumn, and that then the Commission, as a whole, shall be re-constituted, for the purpose of preparing one single Report, covering the whole subject. The Report, it is expected, will be submitted to the Government of India in the course of next winter. Any changes which the Government of India may have to propose after considering the Report of the Commission will be submitted, in the ordinary course, to the Secretary of State in Council, and will be considered with the care due to the importance of the subject before receiving the sanction of Her Majesty's Government.

PALACE OF WESTMINSTER—THE CONSTABLES AT THE HOUSE OF COMMONS.

Mr. O'HANLON (Cavan, E.) asked the Secretary of State for the Home Department, How many hours is supposed to constitute one day's work for the constables in and about the House of Commons; will he recommend that each constable be paid for any overtime; and, whether he will say the reasons given by Sir Charles Warren for refusing to pay them for any overtime during the last six months?

The UNDER SECRETARY of STATE (Mr. Stuart-Wortley) (Sheffield, Hallam) (who replied) said: The Secretary of State is informed by the Commissioner of Police that the average number of hours during which police constables are employed in the House is not greater than that of men employed in other public buildings, as although they have more hours on certain days they have lighter work on Wednesdays, Saturdays, and Sundays. They get about 25 per cent more pay than constables employed at ordinary work, and duty in the Houses of Parliament is very eagerly sought after by members of the Force. On special occasions, when the messengers of the House receive extra pay, the Commissioner of Police recommends a similar allowance to the police on duty. He has done so within the last six months. The Secretary of State does not intend to make any recommendation to the Chief Commissioner on the subject.

PUBLIC MEETINGS (IRELAND)—PROCLAIMED MEETINGS IN ULSTER.

Mr. BLANE (Armagh, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether information has reached him that an organized attempt to suppress public meetings in Ulster is being made at present, by the calling of counter meetings at the same time and place, with the object of having both meetings proclaimed; and, if so, whether the Government will take steps to secure the liberty of public meeting in Ireland? I wish to ask also, Whether the right hon. Gentleman is aware that it is the intention of the Orange Society to suppress National public meetings in that fashion in the North of Ireland?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): The hon. Gentleman is probably aware that the Question of which he gave me private Notice was asked yesterday in the House by the hon. Member for East Mayo (Mr. Dillon), and that there was a debate late at night on the same subject. I do not think I can add anything to the statement of policy which I then made on behalf of the Government.

Mr. SEXTON (Belfast, W.): Has the right hon. Gentleman received the information that the placard, in consequence of which the Nationalist meeting at Dungannon was suppressed, was concocted by the Earl of Ranfurly, a Justice of the Peace, and his agent, also a Justice of the Peace, in the shop of Mr. Aiker, in the town of Dungannon, and if the announcement to hold the Orange meeting was the only reason why the original meeting was proclaimed?

[No reply.]

PIERS AND HARBOURS (IRELAND)—ARKLOW HARBOUR WORKS.

Mr. W. J. CORBET (Wicklow, E.) asked the Secretary to the Treasury, Whether he is aware that nothing has been done to repair the pier on the north side of Arklow Harbour, and that a quantity of old piles and blocks of stone are thrown in the bed of the river, obstructing the entrance to the harbour; and, whether he will direct the Board of Works forthwith to complete the work in accordance with the original contract, as set forth in Parliamentary Paper [C. 4775]?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): I am informed that no representations have been made to the Board of Works as to *débris* from the old north pier at Arklow obstructing the entrance to the harbour, and no obstruction is believed to exist. Nothing has been done towards repairing the old pier; but the new north groyne proposed to be constructed when the plans were approved would occupy the site of the old pier, and doubtless improve the entrance. As, however, the hon. Member is well aware, no steps can be taken for the construction of the new groyne until the township of Arklow shall have given a guarantee for any excess caused in its construction over the sum originally provided for the harbour works at Arklow.

MR. W. J. CORBETT asked, was it not the fact that the original sum was quite sufficient to cover all the expenses of making the harbour according to the original plan; and that it was in consequence of a departure from the plan that the additional expenses had become necessary.

MR. JACKSON said, the answer to that must be that the sum originally granted was not sufficient, because it had proved insufficient. He had been assured that every precaution would be taken to make the work complete.

THE GROUSE DISEASE.

MR. E. ROBERTSON (Dundee) (for Dr. FARQUHARSON) (Aberdeenshire, W.) asked the Chancellor of the Duchy of Lancaster, Whether his attention has been drawn, by announcements in the Press and elsewhere, to the outbreak of grouse disease in various parts of Scotland, and the North of England; and, whether, in consideration of the great scientific, pecuniary, and other interests involved, he will direct an investigation into the nature of the epidemic, to be undertaken by the officers of the Veterinary Department?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE) (Tower Hamlets, St. George's) (who replied) said: Grouse disease cannot be dealt with by the veterinary officers of the Privy Council, as the Acts under which they work are limited to "four-footed beasts," and the Department have no funds at their disposal for undertaking such an investigation as that referred to in the Question.

THE EXECUTIVE (IRELAND)—THE PARLIAMENTARY UNDER SECREARY TO THE LORD LIEUTENANT.

MR. T. M. HEALY (Longford, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, When it was intended to bring in the promised Bill to regularize the position of his Under Secretary; if his attention has been called to the speech of Colonel King-Harman, M.P., at a meeting held on 10th January, 1884, in Rathmines Rink, to protest against Earl Spencer's action in removing the Earl of Rossmore from the Magistracy, when the present Under Secretary for Ireland declared he was an Orangeman; if he is aware that at the meeting called to welcome the Right Hon. W. H. Smith, in the Rotunda, Dublin, on 24th January, 1884, the Under Secretary is reported to have said—

> "It was easy enough in the North for men to stand together. The Orange Association, of which he (Colonel King-Harman) was a member, was a strong bond of union for men professing one faith in this country;"

whether the Resolution of the House of Commons of 11th August, 1835, directed against the Orange Society, has ever been rescinded; whether, on 23rd February, 1836, this House presented an humble Address to the Crown to—

> "Take measures for the effectual discouragement of Orange Lodges and all Societies excluding persons of different faiths using signs and symbols and acting by associated branches,"

to which on 25th February, 1836, a gracious reply was immediately returned by the Crown; whether thereupon a Treasury Minute, dated 15th March, 1836, was issued, declaring that any Orange Civil Servants should immediately withdraw from the Order, and that no person "who serves in whatever capacity under the Crown" should thereafter become a member, or be in any way connected with, the Orange Body; and, whether the Government have ascertained if Colonel King-Harman has withdrawn from the Orange Order?

Mr. JOHNSTON (Belfast, S.): Before the right hon. Gentleman answers the Question, may I ask him if he is not aware that, in accordance with the Resolution referred to in the Question, the Grand Orange Lodge of Ireland was totally dissolved in 1836; and if in 1845 the Orange Institution was not reorganized upon a new basis, in consequence of the revolutionary proceedings in the agitation for the repeal of the Union under O'Connell?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): A Bill dealing with the Office of Parliamentary Under Secretary to the Lord Lieutenant will be brought in as soon as practicable; but it is impossible, in the present state of Public Business, to fix a date. My attention has not previously been drawn to the particular incidents referred to in the second and third paragraphs of the Question; but I understand from my right hon. and gallant Friend that the statements are substantially accurate. With regard to the matters of history to which the hon. and learned Member refers, the House is aware that the Orange Society, which was the subject of the Resolution and Treasury Minute mentioned, was dissolved by its own authorities; and that, as explained by the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone), in reply to a similar Question three years ago, the Society was subsequently re-constituted on an entirely different basis, without secret signs or religious ceremonial. Under successive Governments since these occurrences membership has not been held to be a bar to employment under the Crown; and, in these circumstances, Her Majesty's present Advisers agree with the opinion expressed by the right hon. Gentleman the Member for Mid Lothian on the occasion I have already referred to, that—

> "It would not be discreet or considerate on the part of the Government . . . to carry into execution a Minute which had remained in abeyance for a long time, but which was aimed at the provisions of a certain Society, which provisions had ceased to exist."

Mr. ARTHUR O'CONNOR (Donegal, E.): Is the Bill to which the right hon. Gentleman has referred of such a nature as that it will have to be founded on a Resolution in Committee?

Mr. A. J. BALFOUR: In all probability that will be the case.

Mr. T. M. HEALY: Has the Government made any inquiries to satisfy themselves whether the Orange Society does not still remain a Society with secret signs and symbols; and as to the point of religious faith, has the right hon. Gentleman seen books of the Society which show that members were expelled for marrying a Catholic—such as So-and-so for marrying a Papist?

Mr. A. J. BALFOUR: I did not say anything about religious faith; but I spoke about religious rites.

Mr. T. M. HEALY: Is the right hon. Gentleman aware that the Government of Lord Palmerston, in 1855, did, as a matter of fact, issue a Circular to the Lord Chancellor not to permit any Orangeman to become a magistrate, and stating they would not make Orangemen magistrates in future?

Mr. A. J. BALFOUR: I do not think it necessary to go behind the declaration of policy made by the right hon. Gentleman the Member for Mid Lothian, to which I have referred.

COURT OF BANKRUPTCY (IRELAND)—IMPRISONMENT OF FATHER KELLER.

Mr. DILLON (Mayo, E.) asked Mr. Attorney General for Ireland, What official is responsible for the continuation of the proceedings in the Court of Bankruptcy which has caused the imprisonment of Father Keller; and, whether the usual course has been followed in these proceedings?

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University), in reply, said, the usual course was taken in the case.

Mr. CHANCE (Kilkenny, S.): May I ask the right hon. and learned Gentleman whether there is any other instance in which the Official Assignee commenced proceedings against the unanimous wish of the creditors?

[No reply.]

WAR OFFICE—THE ORDNANCE COMMITTEE—APPOINTMENT AND CONSTITUTION.

Mr. HENNIKER HEATON (Canterbury) asked the Secretary of State for War, Who are the Members of the Ordnance Committee; by whom were they appointed, and for how long?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): The names of the Ordnance Committee will be found in the monthly *Army List*, at page 44. The Military Members are appointed by the Secretary of State for War; the Naval Members by the Admiralty, with the Secretary of State's concurrence; and one represents the India Office. The usual term of appointment is three years, but the Committee is at present sitting during pleasure; and in the light of the approaching changes in the Ordnance Department, the whole constitution of the Committee will be reconsidered. The Civilian Members (Sir Frederick Bramwell and Mr. W. H. Barlow) have served since the appointment of the Committee in 1881, and were appointed by the Secretary of State for War.

PUBLIC PETITIONS—PETITION FROM BRADFORD — ALLEGED FICTITIOUS SIGNATURES.

MR. BYRON REED (Bradford, E.) asked the Chairman of the Committee on Public Petitions, Whether the attention of the Committee has been called to a Petition, lately presented to the House by the hon. Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor), purporting to be signed by inhabitants of the Eastern Division of the Borough of Bradford; whether he is aware that very many of the names appearing upon the Petition are those of children of tender years; that some of the persons whose names appear thereupon repudiate the signatures attributed to them, and declare their disagreement with the opinions expressed by the Petition; that, in some instances, children have been persuaded to write the names of their parents upon the Petition without the knowledge or consent of the parents; and, whether, under these circumstances, the Committee proposes to institute a searching inquiry into this and similar Petitions?

THE CHAIRMAN (Sir CHARLES FORSTER) (Walsall), in reply, said, that some of the signatures to the Petition referred to by the hon. Member were those of children of tender years; but it was not proposed to institute an inquiry.

LOSS OF LIFE AT SEA — REPORT OF THE ROYAL COMMISSION.

MR. GROTRIAN (Hull, E.) asked the Secretary to the Board of Trade, Whether it is a fact that the evidence before the Royal Commission appointed to inquire into the Loss of Life at Sea was closed already some nine months ago; whether any meetings of the Commissioners have since been held; and, whether the Report of said Commission has been drawn up; and, if so, when it will be laid before the House?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The Chairman of the Royal Commission on Loss of Life at Sea informs me that their proceedings were suspended during the winter by the absence abroad of two of its most important Members. The Commission have since met for the consideration of their Report, which they hope may be concluded shortly after Whitsuntide.

VACCINATION ACT—CONVICTIONS BY THE LEICESTER COUNTY BENCH.

MR. PICTON (Leicester) asked the Secretary of State for the Home Department, Whether Mr. King, of Mere Road, New Evington, in the County of Leicester, recently wrote to him appealing for remission of a fine inflicted by the County Magistrates on account of the non-vaccination of a child, dead nearly 12 months before the fine was enforced; and, whether he will state what answer has been given to this appeal?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: the Secretary of State did receive an application from Mr. King, and, after carefully inquiring into this case, answered that he was unable to interfere. King had been convicted and fined for not complying with the law. The fact that the child died before the vaccination officer, after repeated applications, proceeded to enforce the fine does not alter the liability of Mr. King.

THE MAGISTRACY (ENGLAND AND WALES)—NONCONFORMIST MAGISTRATES IN FLINTSHIRE.

SIR THOMAS ESMONDE (Dublin Co., S.) asked the Secretary of State for the Home Department, Why there are no Nonconformist Magistrates in Flintshire?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: I can only repeat, Sir, the answer which the Secretary of State gave to the hon. Baronet on April 4—that the Lord Lieutenant was not able to ascertain that there were any Nonconformists resident in Flintshire with the necessary qualifications.

WAR OFFICE—CORPORATION ROAD ROUND THE CITADEL FORT, PLYMOUTH.

Mr. COGHILL (Newcastle-under-Lyme) asked the Secretary of State for War, Whether his attention has been called to the fact that the Corporation of Plymouth are making a road round the Citadel Fort there in such a way as to deprive the troops quartered in it of their bathing place, and that there is no other place in Plymouth suitable for such a purpose; whether he will take immediate steps to prevent the men being deprived of the only bathing they can get in the summer months; and, whether it is true that the Government have handed over the whole of the ramparts and outworks of the fort to the Corporation of Plymouth?

The SURVEYOR GENERAL of ORDNANCE (Mr. Northcote) (Exeter) (who replied) said: The road referred to does not debar the troops from access to their bathing place; but it renders it more visible to the public than it formerly was. The General Officer Commanding is considering, in conjunction with the Corporation, the arrangements to be made for the troops bathing. The outworks of the Citadel Fort have been leased to the Corporation; but not the ramparts.

ADMIRALTY—SUPPLY OF WELSH COAL TO HER MAJESTY'S SHIPS AT QUEENSFERRY.

Mr. MASON (Lanark, Mid) asked the First Lord of the Admiralty, Whether it is the case that Her Majesty's guardship lying at Queensferry (within a few miles of the Salamanan Coalfields) is supplied with coal from Wales, costing a very much higher price; whether it is the case that the Admiralty tried coal from Scotland in 1876, and reported that it was found nearly equal to the best Welsh coal; and, whether he will take steps to put a stop to this apparent waste of public money?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): It is the case that the guardship in question has been supplied with Welsh coal, which cost 13*s.* per ton alongside. The Scotch coal would cost less, but how much less cannot be stated, as no actual purchase of a large quantity has been made. The Admiralty tried coal from Scotland, as stated in the Question; but it was not found nearly equal to the best Welsh coal. The Welsh coal has the great advantage of being smokeless, and not choking the flues, neither of which qualities pertain to the Scotch coal.

Mr. MASON asked, if the 13*s.* per ton included the carriage of the coal round from Wales to the Forth?

Lord GEORGE HAMILTON said, it included the carriage.

BURMAH—LICENSING AND REGULATION OF IMMORALITY.

Mr. ATKINSON (Boston) asked the Secretary of State for War, If it is true, as stated in an American paper, that—

> "The presence of our soldiers in Burmah is made the reason for the licensing and regulating of vice, under the charge of high officials?"

The UNDER SECRETARY of STATE for INDIA (Sir John Gorst) (Chatham) (who replied) said: The Secretary of State does not concur in the expression of opinion extracted from the American paper. Certain sanitary arrangements were made; but that does not constitute a licensing and regulation of vice.

Mr. ATKINSON said, he did not put it as a matter of opinion, but as a fact. He would put the Question again in plainer words next Monday.

PUBLIC BUSINESS.

Mr. E. ROBERTSON (Dundee) asked the First Lord of the Treasury, If he is in a position to make any statement as to the course of Business after the Third Reading of the Criminal Law Amendment (Ireland) Bill, and, more particularly, if he can state whether the Government intends to adopt any, and, if any, what, means to enable the House to overtake this year a fair proportion of the ordinary Legislative Business of the country?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): I am sure the hon. and learned Gentleman will understand that I am unable to make any statement with regard to the progress of Public Business after the Third Reading of the Criminal Law Amendment (Ireland) Bill. I hope the hon. and learned Gentleman will use his influence to forward that Bill. Until that Bill has reached a stage at which I can really hope for the Third Reading I will be quite unable to make any statement with regard to the Business. It is our desire to push forward Public Business, other than the Criminal Law Amendment (Ireland) Bill, as rapidly as possible.

Mr. E. ROBERTSON asked, whether the Government intended to regard the passing of that Bill as the special legislative work of the Session; or whether it was their intention to consider some other means whereby the ordinary Legislative Business of the country might be in part attended to, at whatever date the Criminal Law Amendment (Ireland) Bill might pass?

Mr. W. H. SMITH: Undoubtedly the Government do not consider that the passing of the Criminal Law Amendment (Ireland) Bill would be a sufficient discharge of the duties of Parliament; and it will be their duty to consider what course they will recommend to Parliament under the circumstances.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN IN LONDON.

Lord CLAUD HAMILTON (Liverpool, West Derby) (for Mr. Whitmore) (Chelsea) asked the First Lord of the Treasury, Whether it is intended to celebrate the Queen's Jubilee in London in any public manner?

Mr. COBB (Warwick, S.E., Rugby) asked, Whether the Government would reconsider their decision with regard to the display of fireworks in the public Parks, considering the pleasure they would give to hundreds of thousands of the people of the Metropolis?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): In answer to the last Question, which has been put to me without Notice, I can only say this—that the Government regret that any portion of the community should be deprived of any pleasure of the kind to which the hon. Member refers; and if funds could be found which would not be a charge upon the public purse, the Government would be exceedingly happy to afford any facility for the purpose; but they have not thought it right to submit a Vote to Parliament in order that the inhabitants of the Metropolis might be provided with fireworks. If we were to make such provision for the Metropolis, it would at once be asked what are we going to do for the large Provincial towns. I may be asked what provision we desire to make in other respects. That is a difficulty which I am sure the House will feel could not be easily solved. A Proclamation has been issued declaring Tuesday, June 21, a public holiday. On that day Her Majesty will proceed to the Service at Westminster Abbey. Any other celebration of the day will be entirely of a spontaneous and local character, no provision having been proposed to Parliament for public rejoicings in any other way.

Mr. DODDS (Stockton): Will hon. Members have the opportunity of attending the Service at the Abbey on that day?

Dr. TANNER (Cork Co., Mid): Will the right hon. Gentleman say whether he will ask the Poet Laureate to prepare an ode on the Jubilee Coercion Bill for the occasion?

Mr. SPEAKER: Order, order! The hon. Gentleman is trifling with the House.

Mr. W. H. SMITH: I hope to make arrangements by which Members of Parliament who express a wish to be present will be able to attend.

Mr. T. M. HEALY (Longford, N.) Will that include the Irish Members?

Mr. DODDS: Will each Member be allowed to take a lady?

Mr. W. H. SMITH: The Lord Chamberlain is the proper officer to approach in regard to such matters.

Mr. HENRY H. FOWLER (Wolverhampton, E.): Mr. Speaker, may I ask you what arrangements you propose to make with reference to the attendance of the House on Sunday at St. Margaret's Church?

Mr. SPEAKER: In reply to the right hon. Gentleman, I wish to inform the House that I propose to take my seat at that (the Clerk's) Table at a quarter to 11 on Sunday, and that I shall then go down the House to that door (under the clock). I hope that the Members of the Government, the Members of the Front Opposition Bench, Privy Councillors, and others who happen to be in the House will form behind me, so as to constitute the head of the procession. The Mace will meet me at the folding doors. I shall then proceed through the Members' Lobby to the Central Lobby, during which time I hope Members will fall in and form the rest of the procession. I would earnestly entreat hon. Members to observe the formation of four abreast. The Volunteers will keep a line which will admit of that number walking side by side. It will be very important that order should be kept throughout. From the Central Lobby I propose to go down St. Stephen's Hall to the top of the stairs in Westminster Hall, and thence down the main stairs of Westminster Hall to the north door of that Hall. At that door I believe that the clergy of Westminster Abbey and St. Margaret's Church will meet the procession and form the head of it. I shall then go through Palace Yard, through Parliament Square, through the central portion of that Square, between the two flower beds, and on reaching the end of the walk I shall take a line diagonally to the west door of St. Margaret's Church. I may say, perhaps, that the Queen's Westminster Volunteers have undertaken to furnish a guard of honour, and to keep the line throughout the whole length of the route taken by the procession; and I think I may tender to that gallant corps, on behalf of the House, my thanks for their presence on the occasion, and especially to the hon. and gallant Member for Central Sheffield (Mr. Howard Vincent), the Colonel of that corps. If there is any other information which I can impart to the House I shall be very happy to give it.

Sir HENRY TYLER (Great Yarmouth): What arrangements are there for meeting our ladies on this occasion? Ladies' tickets have been issued.

Mr. SPEAKER: I am scarcely responsible for all the minor details; but to allay the natural anxiety of the hon. Member I would, if I may, strongly advise the ladies to be present in St. Margaret's Church before the procession leaves this House.

Mr. ARTHUR O'CONNOR (Donegal, E.): Is it in contemplation to take a Resolution of the House in the sense which you, Sir, have mentioned, according to the precedent when Mr. Speaker attended on behalf of the House at the Thanksgiving Service at St. Paul's?

Mr. SPEAKER: The House has already passed a Resolution.

Mr. RATHBONE (Carnarvonshire, Arfon) asked, what arrangements had been made for the attendance of the House at the ceremony in Westminster Abbey on the 21st of June?

Mr. W. H. SMITH: I understand that ample provision has been made by the Lord Chamberlain for the accommodation of the House on the 21st of June. But it is usual for a Committee of the House to be appointed to assist the Speaker in making the necessary arrangements for such an occasion; and if it is the pleasure of the House I will on Monday propose the appointment of such a Committee.

Mr. T. M. HEALY: Will the House sit on the 21st of June?

Mr. W. H. SMITH: It will be a public holiday, Sir; and I shall move the adjournment of the House over that day.

Dr. TANNER: If the weather is unsatisfactory on Sunday, Mr. Speaker, will omnibuses be provided for Members?

Mr. SPEAKER: I will not answer a Question which I regard as trivial and offensive.

DOMINION OF CANADA—CANADIAN PACIFIC RAILWAY.

Lord CLAUD HAMILTON (Liverpool, West Derby) asked the First Lord of the Treasury, Whether it is true that Her Majesty's Government have been earnestly solicited by the Government of the Dominion to grant a subsidy to the Canadian Pacific Railway; and, whether, in giving this request their consideration, Her Majesty's Government will bear in mind the action of the Government of the Dominion in raising the duty upon imported iron, and will also endeavour to have an estimate made of the loss to those engaged in the iron export trade of this country which such increase of duty will entail?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): The Dominion Government has earnestly solicited Her Majesty's Government to grant a subsidy to a line of steamers which the Canadian Pacific Railway Company is willing to establish between Vancouver and Hong Kong. It is not suggested that such subsidy should be given as an assistance to the railway; but the proposed steamship service is being considered on its own merits, the question being whether the advantages to this country and to the Empire generally of maintaining an efficient service of powerful vessels in the North Pacific will justify an application to Parliament for an annual subsidy of not less than £45,000. It has not been the practice to look upon the high tariffs which Canada finds it necessary to adopt as directly affecting the consideration of any general question in which the point arises whether or how far this country should cooperate with the Dominion; but Her Majesty's Government cannot but feel that a change in the Canadian duties, such as that alleged, must indirectly affect the consideration of the main question, which must be ultimately decided by Parliament.

ORDERS OF THE DAY.

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. A. J. Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress* 19*th May.*]

[ELEVENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

SUMMARY JURISDICTION.

Clause 2 (Extension of summary jurisdiction).

Amendment proposed, in page 2, line 19, after "or," insert "to compel any person or persons by means of threats, intimidation, or violence."—(*Mr. King.*)

Question proposed, "That those words be there inserted."

MR. CHANCE (Kilkenny, S.): In supporting the Amendment I desire to point out that we have already decided that it is a criminal conspiracy for anyone "to compel or induce any person or persons not to fulfil his or their legal obligations." We now come to a very distinct and separate question, whether it shall be a criminal conspiracy to compel or induce any person or persons—

> "Not to let, hire, use, or occupy any land, or not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation."

We have to ask ourselves what a conspiracy is. It consists of an agreement, a means, and an object. No doubt, the mere act of an agreement is in itself a conspiracy; but I need hardly point out to anybody with a grain of common sense that there cannot be criminality in an abstract agreement, and that the criminality of an agreement must be judged of either by its means or by its object. In this case the object of the agreement is, as I say, to prevent persons from letting, hiring, using, or occupying land, or from dealing with, working for, or hiring any person or persons. That object in itself cannot be criminal, because, at the present moment, anyone is perfectly entitled to refuse to let, hire, use, or occupy land, and so on. That being so, we have to consider whether the means are such that criminality is imported into the matter. What are these means? We have adopted the word "induce." If that word stands part of the clause, an agreement to use inducement to effect a lawful and legitimate object will be declared by the section to be a criminal conspiracy. Now I deny that inducement can ever be criminal. In strict legal language the word "induce" excludes any idea of fear or fraud, and the inducement cannot be criminal unless the object imparts criminality. But the object is not criminal; therefore I am forced to the conclusion that if the clause stands in its present shape we shall have declared that it is criminal for two or three or more persons to obtain lawful objects by moral suasion. That would be an atrocious state of things. Supposing several people induce a testator to give a legacy of £100,000 to a certain person, does anyone say that because they have agreed to "induce" the testator the will will be void? If, under this clause, it is not intended, under such circumstances, to declare that an absolute crime is committed by persons who induce a testator to make a will, but it is intended to say that it is a crime to induce a person not to let, hire, use, or occupy land, is not the proposition preposterous? There is no doubt in the world that the object of the clause is to protect landlords, and to give them extraordinary legal remedies against people who refuse to let, hire, use, or occupy this land. Simple agreements to obtain a perfectly lawful object by means that up to the present moment are legal, are to be declared illegal, and persons taking part in such agreements are to receive six months' imprisonment with hard labour at the will of two Resident Magistrates who are under the right hon. and learned Gentleman the Attorney General for Ireland.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The Amendment is a different one from that which we had under consideration yesterday; but, at the same time, it would seem that the principle which governed the Committee in disposing of the Amendment yesterday should influence it now in disposing of this Amendment. It seems to the Government that the same arguments that were used yesterday are equally applicable to this Amendment. My hon. and learned Friend the Member for Hackney (Sir Charles Russell) moved words yesterday to provide that any person who should "conspire by violence or intimidation" to do the things specified in the sub-section should be liable to the penalties of the clause, and another hon. and learned Gentleman opposite (Mr. R. T. Reid) moved to leave out the word "induce," in order to confine the section to persons who compelled others to do the things specified therein. The Committee rejected both those Amendments yesterday, and the same grounds which led the Committee to reject them ought to lead it to-day to reject the present Amendment, inasmuch as its object is to limit the action of the sub-section—not in regard to the fulfilment of legal obligations, as was the case with the Amendment yesterday, but in regard to letting, hiring, using, or occupying land, and so on—to persons who compel others by means of "threats, intimidation, or violence." What we propose to do in the section is not to alter the law in the smallest degree from what it is now, but to enact that those means which apply now to the attaining of an object could be punished under indictment as criminal conspiracy shall, under this Act, be punished by summary jurisdiction. Such a case as that referred to by the hon. Member—the case of agreeing to induce a person to make a will—could not be punished under indictment, and will not be touched by this measure.

MR. CHANCE: I did not speak of the persons being punished; but I said would anyone say that the will would become void through adopting the means employed in this agreement?

MR. HOLMES: No; it would not; neither would an agreement to induce a person by moral suasion to refuse to let, hire, use, or occupy land be a criminal conspiracy. It would not be a criminal conspiracy now, neither would it be a criminal conspiracy under the Bill, because, as I have pointed out, the clause only renders punishable by summary jurisdiction what is now punishable by means of indictment. The hon. Member says that if we pass the clause as it now stands you will make it a criminal offence, punishable by summary jurisdiction, to agree to induce a person to attain a lawful object; but that is not the fact, for it is not an offence punishable by indictment at the present time to combine to effect a legal object by legitimate means.

MR. CHANCE: There is a great distinction between the object of obtaining the non-fulfilment of a legal obligation and the object of obtaining the non-performance of an act that a person is perfectly entitled not to do. There is no obligation pre-existing as the hiring of land. We are told that this clause will not make it criminal to do any act which is not criminal already; but that I altogether deny. A criminal conspiracy is to agree to adopt means to attain an object, either one of which must be criminal—either the means or the object. But, under this clause, to agree to attain by legal means—that is to say, by inducement—a lawful object may be made a criminal conspiracy. No one denies that we have these three things under the clause—agreement, means, and object. Inducement is laid down as the means. What question can arise outside the limits of these three things I utterly fail to conceive. We are told that an Amendment has been introduced and accepted by the Committee which will prevent a new offence being created under this Act. But if the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) will take the trouble to refer to Mr. Justice Stephen on Criminal Law Amendment, or to the same authority on Conspiracy, as given in pages 124 and 125 of Roscoe's *Criminal Evidence*, he will there learn that, in the opinion of Mr. Justice Stephen, reasons must be found by the Judge for declaring it to be criminal to combine to do an act which, in the opinion of the Judge, is politically or socially dangerous. And yet you are giving powers to two nominees of the Government, and investing them with the powers which Mr. Justice Stephen says the Judges already possess. Any combination which the Judge declares to be criminal is already punishable by law. By this Bill you are making the Resident Magistrates Judges, and giving them despotic power to declare an agreement criminal, and you point out clearly that a combination or an agreement to induce a person not to let, hire, use, or occupy any land is a criminal conspiracy.

Mr. O'DOHERTY (Donegal, N.): If this Amendment had been in principle decided, or came close to being decided, by the determination which the Committee arrived at yesterday, it would not be necessary for me to trouble the Committee much upon this question, because I should not be able to bring myself to repeat an argument with reference to it. Such repetition only weakens the position of a speaker in a case like this. On the other hand, the right hon. and learned Gentleman the Attorney General for Ireland, I think, rather underrated the argument of my hon. Friend (Mr. Chance), and did not sufficiently appreciate the distinction he wishes to point out. But, whether there is or not a distinction to be drawn between the 1st and 2nd parts of the sub-section, I would suggest to the right hon. and learned Gentleman that this clause will have a serious effect upon the Ulster Tenant Right Custom which has prevailed for the past 100 years. The Ulster tenants have combined to refuse to take farms where the tenant right was not adequately recognized by the landlord; and clearly the sub-section under discussion, as it now stands, would render such combination a criminal conspiracy in the view of any Resident Magistrate who chose so to construe the provision. I cannot allow to pass without protest anything which would cast upon Ulster the stain that its tenants have been living in a criminal conspiracy for the past 100 years. I have known cases in Ulster in which farms have laid vacant for 20 years in consequence of refusal to recognize the tenant-right custom. I have known a case where a Protestant has been evicted from a farm in a Catholic district, and a foot would not be put into it by a Catholic farmer; and I have known a Catholic evicted in a Protestant district with a precisely similar result. I have known farms, under these circumstances, lie idle for 20 or 30 years, the owner merely disposing of the grazing of it. But few persons were mad enough to refuse the Ulster tenant right in the face of such a spirit as that. Then, what will happen now when evictions take place, and the landlord assumes possession of the land, the tenant forfeiting for a year's rent his 15 years' possession? The landlord will have 14 years of another man's property, and he will probably desire to get the land in occupation again to his own advantage. Whatever your laws may be, there will certainly be a higher law—that of honour and respect for another man's property, which will never be broken by the people of Ireland. What is the use of passing Criminal Laws to make men do a certain thing, which, though not criminal according to the law, is far more criminal in their eyes than that which this measure would make criminal, and which involves a greater penalty, from a social point of view, than the breaking of the law? I wish to draw a clear distinction between the decision we arrived at yesterday and the point raised to-day. I think the hon. Gentleman who put down the present Amendment was well advised. I believe I am correct that the hon. Member took the advice of those most able and experienced in these matters before moving the Amendment as to the form in which it should be brought forward. I admire the ingenuity with which he tried to reconcile his Conservative principles with what I consider his kind heart, for he has shown himself kind-hearted in this matter—he, at least, has been in Ireland and knows what we are. It is an extraordinary thing that we should now be supporting an Amendment moved from the other side of the House. I can understand the Committee saying that it is a conspiracy to induce a man not to do a thing which he is under obligation to do, and which a third person has a right to have performed. In that case there is a duty on one hand,

and a right on the other; and if a conspiracy is got up to break the relations of the two men mutually bound to each other, there is some argument to be offered for making it criminal, because the conspirators would be without a reasonable excuse. But take the case of a farm which is vacant. There is no obligation on anyone to take it. A man may be induced not to take it, and pressure may be put upon him to refrain from taking it. The farmer *primâ facie* may do what he likes with the farm; he may accept a person as tenant, or refuse him, just as he likes, and no one can complain; and equally the person sought to be induced or persuaded has incurred no duty with regard to its acceptance or refusal, and the person who induces or persuades him clearly should not be held criminal. It is a different thing where, in the words of the Amendment, a person is "compelled" by means of "threats, intimidation, or violence," not to take a farm. There is an obvious distinction between the 1st and 2nd part of the sub-section. In the one case a person is prevented from fulfilling a legal obligation. A man is compelled to do that which it is a breach of duty to do, and which it is a breach of another man's right to have done; and there may be some ground for calling that a criminal conspiracy. In the other case, you suppose a man who has a farm, which he has a right to let in the best way he can, but there is no duty on the community to take it, nor is there any obligation on any individual to do so, therefore there is no breach of any right of the landlord. But to go further than that, though the Amendment deals only with the question of land, there are many cases where it is the duty and right of a man to induce others not to buy at a particular time, or sell at a particular time, and to put up prices at a particular time. This right is recognized in England, and I must say I do not believe the commercial prosperity of England would have been at all what it is to-day if you had put shackles on the right of trade combinations. I only rise, however, to distinguish between the two parts of the sub-section —namely, the fulfilling of legal obligations—which we dealt with yesterday— and the taking of land with regard to which no legal obligation exists. To my own knowledge, the Ulster tenant right has been preserved by a practice which I firmly believe, if this law had been passed years ago, would have been held to be criminal, and would have had the effect of throwing one-half of the tenant farmers of the Province into gaol.

MR. MAURICE HEALY (Cork): I think that having regard to the quarter from which this Amendment comes the Government have received it with very scant courtesy. It would, indeed, be a curious result to see the clôture applied to it by the right hon. Gentleman the First Lord of the Treasury; but we may take it, having regard as I say to the quarter whence it come, that the right hon. Gentleman will not think it necessary to take that course. I agree with my hon. Friends that we are forced to support this Amendment by the decision of the Committee last night on the proposal to omit the words "or induce." I think it is perfectly plain that there is a substantial distinction, not merely of form, but of fact, between the present Amendment and that moved last night by the hon. and learned Gentleman the Member for Hackney (Sir Charles Russell). The Attorney General for Ireland tells us that what is intended to be struck at by this clause is the use of illegal means. He says that this clause will not be operative in the case of any innocent combination, and that unless the means which any body of men combining together take to effect this object are illegal, this clause will not apply. I meet the right hon. and learned Gentleman on that ground, and I ask, if it is his view that this Bill should not apply save in a case where illegal means are used to further the object of conspiracy, will he consent to insert in the sub-section now under discussion, after the word "induce," not, perhaps, the words proposed in the Amendment, but words which will carry out his own expressed intention? Will he accept such words as "or induce by illegal means?" He says he does not want to limit the clause in the manner pointed out in the Amendment of one of his supporters. He says he does not want to limit it to threats, intimidation, or violence. Let him, at any rate, take means to carry out his own view, and to make his declaration perfectly plain. Let him put something in the Act of Parliament by which the uninstructed Resident Magistrates, who will have the administration of this clause, will see plainly what the Government want. I think we are entitled to an answer on that point. The right hon. and learned Gentleman says it is not intended that this Act should strike at any combinations to induce any persons by illegal means to do a legal act; and that being so, I ask them to embody in the words of this clause some expression which will make their intention perfectly plain, and from which the Resident Magistrates, who will afterwards be the administrators of the new law, will have the conclusion of the Government forced on them that this section is only to be used where there has been a conspiracy to induce persons to do an illegal act, or to induce persons to do a legal act by illegal means.

THE CHAIRMAN: I think the hon. Gentleman, like his predecessors, is travelling rather beyond the permissible scope of this Amendment. The Committee have already refused to admit the words "or induce," and also to define conspiracy "by violence or intimidation." These two principles govern nearly the whole of the section, and the present Amendment is only admissible on the argument that in dealing with land there is a special necessity for the making of a definition.

MR. CHANCE: On the point of Order I should like to point out that the Amendment to strike out the words "or induce" had reference to preventing a person from fulfilling a legal obligation.

THE CHAIRMAN: No; that is not so. The words "compel or induce" govern the whole section.

MR. MAURICE HEALY: I quite accept that explanation from you, Sir. It is quite evident, however, that the words this Amendment proposes to introduce only seek to govern the words of the section which deal with the letting, hiring, using, or occupying of land. We agree upon that, and I was under the impression that what I was saying, though general in its character, had a particular application to conspiracies as affecting dealings with regard to land. I come now to the words conspiracy to induce a person "not to let, hire, use, or occupy any land." What is the motive of these words—what is the meaning of this section which the Government have introduced in the Bill? On what ground have they based the necessity for this clause? The motive power the Government have used to press this Bill through the House is the undue intimidation as to the letting, hiring, or selling of land which they say has prevailed in Ireland. I venture to say that without the allegations they have made in regard to this undue intimidation a Bill of this kind would have been scouted from this House and this country. And, that being so, I ask is it not monstrous that while their whole case is founded on allegations of intimidation, they should push this Bill a step further than the extent to which their case of intimidation would show it to be necessary? If their case is that it is owing to intimidation that farms cannot be let, and that tenants combine to obtain reductions of rent, and their case is that it is owing to intimidation that combinations for these purposes, which would not otherwise exist, are so powerful in Ireland, I say, then, why not limit the clause to that particular point? I maintain that without the impetus that this Bill receives from these allegations of intimidation, it would have been impossible for the Government to have introduced it in this House, and it would be impossible for them to defend it before the country. At any rate, before they can ask the Committee to extend the Bill on the provisions of this clause beyond this question of intimidation, they are bound to make out a specific case outside "threats, intimidation, and violence," for the necessity of such extension. They have not attempted to do anything of the kind. They have not attempted to show that, apart from threats, intimidation, or violence, there are things which make such a clause reasonable. In all the wildest appeals we have heard from the opposite side of the House—and we have heard some most reckless assertions from that quarter as to the condition of Ireland—there has not been a single attempt to show that, apart from the question of intimidation, any case for this clause exists. If that is the case, are we not justified in asking that the Government, who found this Bill on allegations of the existence of intimidation — and found it on nothing else, for we are told that they do not rely on statistics of crime—shall limit it to the particular matter they allege as its origin? I do not think the Government are treating us fairly in this matter. We are not content with their general allegation as to the necessity for making this clause wide enough to introduce every possible class of offence. They do not even prove the existence of offences such as this Amendment will deal with. It seems to me, when such enormous powers are given and confirmed by a Bill of this kind, the Government are bound to produce justification, not merely for every clause of it, but for every line, every word, and every syllable it contains. Liberty should not be restricted, the Constitution should not be cut in upon, except to the extent for which a case been made out for it. If the Government complain that offences of a particular character exist, I submit that any remedy that Parliament applies should be limited to the case they make out. It is an old maxim in connection with the construction of Acts of Parliament that, in order to find out the object of an Act, you ought first to learn the mischief with which it is intended to deal. Now, I maintain that the remedy this clause provides is not limited to the mischief of which the Government complain. My complaint is that they extend the remedy far beyond any mischief they allege, and make it wide enough to include a vast variety of cases in regard to which they have shown no necessity for the clause. I say, therefore, if the words "or induce" had been left out of the clause, the section would have been sufficiently stringent to effect the avowed object of the Government. The Government case is amply vindicated by the adoption of the word "compel," and I think, if the section were limited to that word, the answer given by the right hon. and learned Gentleman the Attorney General for Ireland would be complete. But so long as they continue to retain in the section the use of the words "or induce," involving and describing acts which are not in themselves criminal, we shall be warranted in asking that where the object in view is not illegal, and where the conspiracy is a mere conspiracy to induce persons to do or not to do what it is perfectly legal for them to do or not to do, that then, at any rate, the House will step in and provide that some illegality shall be pointed to in the means taken to effect the object before the clause shall pass in its present form. If the Government can make out a case for anything beyond what is in this Amendment, let them make it out; but certainly, up to the present, they have not attempted to do so. Until they have done so, I hold that we are justified in asking the Committee to limit the application of the clause.

MR. CHANCE: The Amendment, as it stands on the Paper, reads—"To compel any person or persons, by means of threats, intimidation, or violence." I fear that if we insist upon this Amendment, we shall be told that modification of this part of the section was refused, because we wished to confine it to threats, intimidation, or violence. I would ask to leave out of the Amendment the words "by means of threats, intimidation, or violence." We shall have a distinct issue then as to whether to compel a person to do or not to do what he has a perfectly legal right to do or not to do shall be rendered criminal or not. I assert, without fear of contradiction, that the word "induce" in this section is distinctly a description of method and means, and that the object not being in itself criminal, and it being necessary that the criminality should be found in the means here stated, the word "compel," and not "induce," should apply. If the clause is passed without this alteration, it will be for the first time the erection of a combination to induce persons to attain an object which is lawful into a criminal conspiracy. I would ask the right hon. and learned Attorney General for Ireland whether it is contended that the words "or induce" do not constitute a description of the means and method of the object of a conspiracy? I do trust the Attorney General for England will deal with that question.

THE CHAIRMAN: Does the hon. Member move to omit from the proposed Amendment the words "by means of threats, intimidation, or violence?"

MR. CHANCE: Yes, Sir.

Amendment proposed to the said proposed Amendment, after the word "persons," to omit the words "by means of threats, intimidation, or violence."—(*Mr. Chance.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

MR. T. M. HEALY (Longford, N.): I would ask the Government whether, under these circumstances, they cannot see their way to accept the proposed Amendment.

MR. CHANCE: My object in moving this is that we may have a clear issue before us, and that we may leave no loophole of escape to the Government, who might say that they were compelled to reject it, because it would render the magistrates unable to arrive at a conviction for certain descriptions of unlawful combination.

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): The Committee will understand my reason for not taking part in this discussion. It was that I consider the reasons which have been advanced more than once against the limitation of this section apply equally to the present proposal. I quite admit that it is a substantial modification which is now proposed, still the objections already taken will apply to it.

MR. CHANCE: The words have not yet been omitted from the Amendment. If the hon. and learned Gentleman would be good enough to permit them to be omitted, we should be delighted to hear how he can defend the application of the word "induce" to the series of acts contained in the clause which are perfectly legal.

MR. EDWARD HARRINGTON (Kerry, W.): I do not see the use of leaving these words out if the Government are not going to accept the Amendment. If a number of men residing in a certain district see in their neighbourhood a man harshly dealt with by his landlord, they may say amongst each other—"What a shame it is! See how this man has been treated." Then, one may say, "I won't take that farm," and another may say, "Neither will I," and in this way there may be a combination not to hire, use, or occupy the land. Is it not preposterous to call that a criminal conspiracy? The inducements to which this clause will apply will cover the action of members of a Temperance or any other society who may say—"We will agree not to have a man in our association if he does so and so, or if he does not do so and so, and we will not hire or occupy his land." If the words it is proposed to leave out in the Amendment were omitted, we should give the Government power to proceed against these men, and to inflict upon them the punishment of law because a man was expelled from their ranks for going against the principles to which he subscribed, and which he had before his eyes when he entered their society.

THE CHAIRMAN: I have been in error in permitting the original Amendment to be moved at all. I have already pointed out that the words "compel or induce" have been adopted, and these words, I find, govern all the words which follow in the section. I had thought that a variation might be introduced with respect to dealings with land, but I see that the words of the section are—

> "To compel or induce any person or persons *either* not to fulfil his or their legal obligations, *or* no not to let, hire, use, or occupy any land,"

and so on. The words "either" and "or" clearly indicate that the word "induce" applies to the whole of the section.

MR. CHANCE: This Amendment is not ours. It is on the paper in the name of a Tory Member, and we, in his absence owing to illness, undertook to move it for him. I am not responsible for the wording of it, and all I can do on behalf of that absent Member is to submit to your ruling.

MR. T. M. HEALY: In the words as they originally stood in the Amendment, would it not be competent for us to discuss whether it shall be an illegal conspiracy to "compel" a person not to do certain things, instead of "compel or induce?" Could we not take out the word "or," so as not to limit the second part of the section?

THE CHAIRMAN: No; that could not be done, inasmuch as the word "either" governs the section as well as the word "or."

Original Amendment, and proposed Amendment thereto, by leave, *withdrawn.*

MR. O'DOHERTY: I propose, in line 19, after the word "occupy" to insert the words—

> "Sell or exercise any customary privilege, usage, tenant right, easement, or profit a *prendre* in or over."

I propose this Amendment to meet the case of a combination of landlords in Ireland to prevent the tenants exercising the rights given by the Irish Land Act, and also to meet a case which is very common of organized interference with receivers of rent in regard to the customary privileges and rights of tenants in various parts of the country. These organizations are carried on in a very respectable manner, so far as outer eyes can see, and by very respectable people; but their effect is to injure others, and interfere with the rights which are secured to them by law. These things are done openly, so that in their case there is no necessity for a Star-Chamber inquiry. I am afraid that, considering the character of the Judge who will have to decide the cases, even if this Amendment were accepted it would be of little use; but I move it as a protest against what I see will be one of the effects of this clause—namely, the destruction of the Ulster Tenant Right Association. There will be, under this clause, cases of continual warfare; but, as a rule, the individual landlord can act against the tenant, so that the conspiracy will only be on the side of the tenant as against the landlord.

THE CHAIRMAN: In order to make sense, the hon. Member must move to admit the word "or" before the word "occupy."

MR. O'DOHERTY: Then I do that, Sir.

Amendment proposed,

In page 2, line 19, leave out "or occupy," and insert "occupy, sell, or exercise any customary privilege, usage, tenant right, easement, or profit a *prendre* in or over."—(*Mr. O'Doherty.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): I cannot understand what case the hon. Member has made out for this Amendment. He has stated very fairly and frankly that he proposes in some way to protect tenants against the operations of open associations which are not formed by illegal means. I should imagine that he wishes to direct his Amendment against the Commons Preservation Society, whose object is to prevent squatting; at any rate, I do not think he has made out a case for his Amendment.

MR. O'DOHERTY: At any rate, it is a great thing to have got from so high an authority as the hon. and learned Gentleman an expression of opinion that there can be combinations of landlords for the protection of their rights.

SIR RICHARD WEBSTER: No doubt that is so.

MR. T. M. HEALY (Longford, N.): In my judgment, the Amendment is one which, even if it were carried, the tenants would not be able to put in operation. The landlords have the appointment of the Resident Magistrates, practically speaking, and naturally the magistrates would not put this section into operation against their patrons, even if they had the power. However, I did think that we should have had from Her Majesty's Government some expression of disapproval of the practice on the part of some landlords of preventing tenants from availing themselves of the right to sea-wrack and bog. The difficulty that I see with regard to all these Amendments—though I quite approve of their object—is this, that if we passed 50 of them we should not derive any benefit, because the magistrates in the districts will be the landlords' henchmen, and will not carry out the clause against them. I do not regret the refusal of the Amendment by the Government, because even if it had been accepted, it would never have been put into operation, but would have been wrested in some way by the landlords against the tenants. I trust my hon. Friend will not persist in his Motion.

Amendment, by leave, *withdrawn.*

MR. T. M. HEALY: On behalf of my hon. Friend the Member for South Kilkenny (Mr. Chance), I beg to move the insertion of the Amendment which stands in his name—namely, after "land," in line 20, to add "within such proclaimed district." I propose this Amendment, because I think the section should only apply to the criminal conspiracies specified when they take place within the proclaimed districts.

Amendment proposed, in page 2, line 20, after "land," insert "within such proclaimed district."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I cannot accept this Amendment, as it would involve the manifest absurdity of excepting from the operation of the clause a conspiracy in a proclaimed district to commit an offence just outside that district. It is necessary to retain the clause as drafted in order to maintain the efficiency of this section.

Mr. CHANCE: The right hon. and learned Gentleman says he cannot accept the Amendment, because it is necessary to protect the efficiency of the powers of Section 1. This is the argument upon which the Amendment is based, that you declare that it is only necessary to protect people within certain defined limits from illegal acts, or, rather, from acts against which by singularly unconstitutional methods you desire to afford protection. The presumption is that you wish to leave persons outside those proclaimed districts to the adequate protection of the ordinary law. It is for that reason why I do not see that a conspiracy within a proclaimed district to commit acts which are not in themselves illegal outside that district should be punished as are offences specially legislated for in the case of proclaimed districts.

Mr. MAURICE HEALY supported the Amendment.

Mr. T. M. HEALY: I maintain that the magistrates in Cork should not have power to deal with a conspiracy in Donegal—that they should not have power to bring to Cork a man from Donegal, or send to Donegal a man from Cork. The Act reads—"Any person who shall commit any of the following offences in a proclaimed district, etc.," and amongst the offences is a criminal conspiracy. Well, a conspiracy may take place in an organization having branches at Cork, at Donegal, and elsewhere. Is it to be permitted that a man can be brought from Donegal to Cork simply because he belongs to an association which has a branch in each place? If the section is allowed to stand as framed you might have witnesses dragged all over the country. There is some confidence in the Common Law as it exists at present, for in those conspiracy cases which were committed in Galway, Monaghan, Clare, and Kerry, the defendants were tried in Dublin, and which, of course, involved considerable expense in railway fares and so on; but if you are to have people dragged indiscriminately all over the country, the effect will be infinitely worse.

Mr. O'DOHERTY: I am afraid there is an idea that there is some virtue in a Proclamation; but no earthly good would be gained by carrying this Amendment, because the Proclamation would be widened so as to include both the conspiracy and the land. I do not see that the adoption of this Amendment would promote the object for which it is moved. Looking at the matter in the best way I can, it seems to me desirable to have the Proclamation issued in as limited a manner as possible. I think, therefore, that this Amendment should be withdrawn.

Mr. CHANCE: The Proclamation must be issued by the Lord Lieutenant in a certain manner, and we have yet to discuss what the Proclamation shall be, and whether or not it shall be under the control of Parliament. My hon. Friend is prejudging this matter, and has taken upon himself to suppose that it will be competent for the authorities to enlarge the area covered by the Proclamation as they choose. If we decide that the Proclamations are to be under the control of Parliament, this will be impossible. The case of the Government is that in certain disturbed districts it is necessary to protect people by extreme methods. Admitting this case, I say that the real danger of conspiracy is to be found where the conspiracy can become effective for some particular object. If the land in respect of which a conspiracy is on foot is not in a proclaimed district, but in a peaceful district, then I say that a conspiracy fructifying into crime should be tried, not by this extraordinary summary jurisdiction, but by an ordinary Court of Law. I say it is reasonable, if we are to have special Courts of Inquiry under this Bill, that we should only have them to try offences that occur in specially proclaimed districts. They should not trench upon the ordinary law until the ordinary law has been found insufficient. I say that the Government should not, under cover of protecting people in a disturbed and proclaimed district from an offence, punish offences committed in a peaceful district where, according to their own showing—that is to say, by the absence of a Proclamation—the ordinary Courts of Law are sufficient for the maintenance of law and order.

Question put, and *negatived.*

Mr. T. M. HEALY: I beg to move, after "land," in line 20, to insert "dealt with in the Land Act of 1881." This

Amendment is put down by me, because the Government have been saying that the character of the trouble in Ireland is agrarian, and that if the agrarian difficulty were got rid of there would be no trouble in Ireland. I propose, therefore, that they should deal with nothing that is not agrarian — that the clause shall not have a wider application than the clauses of the Act of 1881. I cannot see that the Government can have any difficulty in accepting the Amendment, as the Act of 1881 applies to all land that is a source of trouble and annoyance in Ireland. There may be land on which houses are built in towns, and common lands, to which this section would apply without this modification. But I think the land subject to the jurisdiction of the magistrates should be such land as forms a portion of that which you yourselves say makes the agrarian difficulty in Ireland.

Amendment proposed, in page 2, line 20, after "land," insert "dealt with in the Land Act of 1881."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

MR. HOLMES: I cannot agree to accept this Amendment, as it would leave untouched the Boycotting of grazing land taken for the summer months. The clause would not be sufficiently stringent if it were a mere reproduction of the corresponding clause in the Act of 1882.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY: I beg to move, in page 2, line 20, after "land," to leave out from "or" to "occupation" in line 21. The words I propose to leave out are—

> "Or not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation."

These words deal with a difficulty which is shortly expressed in the word "Boycotting," and that is the point to which I wish to attract observation. I think the offence of Boycotting is sufficiently dealt with and met by the second sub-section of this clause. The matter is not one with which we are dealing for the first time. Boycotting has been in existence since the year 1879, when the word was coined, I think; and in the year 1882, when the Government of the day were passing the Crimes Bill, they most carefully considered this matter, and framed a clause of their Bill which they considered amply sufficient to deal with it—namely, the Intimidation Clause, which Her Majesty's Government have adopted almost in identical terms in Sub-section 2 of this clause. The point I make is this—that if the powers taken in 1882 were sufficient for the Government of that day to suppress Boycotting, the Government of to-day, who profess that this Bill is a milder measure than the Crimes Act, ought to be content with similar powers, neither more nor less. Her Majesty's Government have not made up their minds as to this question of Boycotting. Lord Salisbury told us that no legislation could put down Boycotting; but the right hon. Gentleman the Chancellor of the Exchequer told us on the second reading of this Bill that the Crimes Act did put down Boycotting, and that three months after the lapse of that Act Boycotting was introduced to some fabulous extent. I must assume that the latter opinion, being the more recent, expresses the mature view of the Government. If they consider that the powers taken in the Crimes Act were effective and sufficient for the purpose of putting down Boycotting, and if this is a milder measure than the Bill of 1882, why are they not content to introduce into this Bill the same provisions, no more and no less, than the Government of the day introduced into the Act of 1882? Let me point out that Sub-section 2, as it stands at present, is amply sufficient to meet any difficulty that can be said to arise, and the Government can have no apprehension that its scope will be cut down by the tribunal to which they hand over its administration with such confidence. I remember, under the Act of 1882, defending a number of persons against the charge of intimidation under the clause to which I refer; and I remember one case where I appealed from two Resident Magistrates to the County Court Judge, and where we solemnly discussed the whole question of Sub-section 2 for two days, the Judge reserving his judgment, and telling us on the next day that, in his opinion, the effect of this sub-section was that no one in Ireland could go anywhere and open his mouth to deal with any aspect of the agrarian difficulty, no matter how mild the language he employed, without running himself into the meshes of this clause. He told us that while this clause was in force every man who spoke on a platform in Ireland without having a lawyer at his elbow ran a great risk of making the acquaintance of a plank bed, and thereupon he sentenced my client to two months' imprisonment. Now, that being so, the wording of this Sub-section 2 being of such a searching character, what more can the Government possibly want? Is there any possible phase of this Boycotting difficulty which is not met by either of the portions of this Sub-section 2. It makes it illegal, with violence or intimidation, to compel any person to do any act which he has a legal right to do, or a legal right to abstain from doing, or to abstain from doing any act which he has a legal right to do, and it makes it illegal to use violence or intimidation towards a person, in consequence either of his having done any act which he had a legal right to do, or of his having abstained from doing any act which he had a legal right to abstain from doing. That covers every conceivable case which can possibly arise under this offence of intimidation. That being so, I ask cannot the Government be content with the enormous power which this sub-clause gives them? What case have they made out for a more stringent enactment dealing with the subject of Boycotting than was made out in 1882 by the late Government when they were passing the Crimes Bill? They have not contended that the clause in the Crimes Act was found inefficient in any way. They have not ventured to offer any illustration, or give any instances, in which the clause contained in that Act was not amply sufficient for every purpose in dealing with those offences; and, that being so, I say that they are exceeding the bounds of moderation in not being content with this very searching clause of the Act of 1882, and in taking up, under this clause dealing with conspiracy, fresh powers to enable them to deal with the very same class of offences. I think that is the view under which we may properly ask the Committee to omit these words which I here propose to leave out. I cannot expect the Government to agree with the reason that it is monstrous to bring up every person against whom even a whisper of Boycotting is heard, and try them before the sort of drum-head tribunal proposed in this clause. I, therefore, address to the Government a reason drawn from their own Bill which they may fairly be expected to consider, and attach some weight to.

Amendment proposed, in page 2, line 20, after "land," leave out from "or," to "occupation" in line 21.—(*Mr. M. Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Sir Richard Webster: I quite agree that, if we could assent to the argument of the hon. Member—namely, that there is no necessity to go beyond the Act of 1882; that there will be no necessity for the introduction of these words. But we have over and over again pointed out, and we maintain the same ground now, that in our view there are important matters which it is essential to prevent, with which the Act of 1882 did not deal. It may be—and this is one of the arguments—that there may not be individual intimidation; but persons may meet together, and, without performing the acts themselves, may provide money or inducements or adopt other measures commonly practised by associations to compel, or induce others to take the steps complained of. I think it is desirable to have regard to these matters of conspiracy, and therefore I hold that the Act of 1882 is not sufficient.

Mr. Molloy (King's Co., Birr): If these words in Sub-section 2 did not include the cases the hon. and learned Gentleman referred to then I could quite understand the objection to the Amendment of my hon. Friend. I think the words "now punishable by law" have very little meaning or protection as to this clause, because, under the judgment of Lord Fitzgerald, we know perfectly well that the words "now punishable by law" really amount to no protection at all. I would draw the attention of the Attorney General to two of the words it is proposed to strike out—namely, "work for." Now, to compel or induce anyone not to "work for" a person goes a great deal further than the circumstances of the case would seem to require according to the argument of the Attorney General. Under the words in this clause if a certain number of workmen induce their fellow workmen —not by intimidation, not by violence or threats, but merely induce—not to work for their employer because of some legitimate reason, they will be punishable under this clause. The hon. and learned Gentleman shakes his head. I know that, according to his argument, that would not be so, and if the word "compel" stood alone I should agree with the hon. and learned Gentleman; but we have here the word "induce," about which there has been a great deal of argument, and that makes all the difference in the world. Under the word "induce" there may be legitimate reasons for one workman trying to influence another, and under the clause as it stands the magistrates—nay, even under the judgment of Lord Fitzgerald at the present moment, the magistrates will be entitled to say that inducement brought to bear upon a body of men not to continue working for their employer will be subject to the penal consequences attached to this clause. Under the Act of 1882 Boycotting is dealt with under the head of intimidation. Acts which are calculated to put any person in fear were condemned, and the same result might be efficiently attained by adhering simply to the word "intimidation" in this clause. The definition of the word "intimidation" at the end of the Bill would be sufficient protection; but as you have deliberately refused to put in intimidation, and give the protection which is conveyed in the definition of the word at the end of the Bill, I think I am perfectly entitled to say that any mere trades unionism, in the legitimate sense in which it has been explained in this House over and over again, would bring those indulging in it under the provisions of this Bill. The Government do not want to accept this Amendment, because they want to go a great deal further than is expressed in the words of the measure. But, at any rate, I am glad that a protest has been made, because, if it does nothing else, it will enable us to refer to the attitude of the Irish Representatives in any action we may have to take in the future—it may justify us in the position we may have to assume before the Resident Magistrates.

MR. T. M. HEALY: I would ask the Government what is the use of their putting in this sub-section? It is absolutely useless. You have in a subsequent sub-section the words "Any person who shall wrongfully and without legal authority use violence or intimidation." Your word "intimidation" there covers the whole thing. You say any person who shall do this to a person to make him do an act which he has a legal right to abstain from doing, or to abstain from doing an act which he has a legal right to do shall be summarily prosecuted. Well, to intimidate a person to abstain from doing that which he has a legal right to do covers the words that it is proposed to leave out—namely—

> "Not to deal with, work for, or hire any person or persons in the ordinary course of trade, business, or occupation."

I may be told that, in the one case, the offence is conspiracy, and in the other it is not; but, surely, all you want to do is to punish the offender, and why should you not effect your object in the easiest manner? This drafting is perfectly absurd; all the filigree work of your draftsmen here is absolutely needless, so far as your Resident Magistrates, who will have to administer this measure, are concerned. Do the Government think that they can reach, under the words proposed to be left out, persons whom they could not reach under the 2nd sub-section — do they desire to punish men under the Conspiracy Clause for doing that which, if done by each man singly, would be perfectly legal? Suppose a man goes round to a village to sell his cow, and he cannot get anyone to buy it, is every person who refuses to buy it to be punishable under this section?—because there is your conspiracy at once. You have all conspired not to buy the cow. That appears to me to be perfectly absurd. Yet that seems to me to be what the clause provides for, for it says—

> "To induce any person or persons not to fulfil his or their legal obligations, and not to deal with anyone in the ordinary course of trade, business, or occupation."

That takes in absolutely everything. I am entitled to buy my cows from whom I like; but under this section I may be punished for agreeing not to buy them from a certain individual. Am I to be told that the Government are to forestal the market, so to speak—to rigg the market—in the interests of particular persons? If a landlord sends his pigs into the market and fails to get a purchaser, are you going to punish everyone who refuses to buy except at their own price? That is what the clause really comes to. The idea in this clause that it is to be a criminal act "not to deal with" a person is most grotesque. Lord Salisbury's speeches are stuck up in letters of gold, I presume, at your firesides. If you read them, you will see that he says that you cannot, by legislation, interfere with Boycotting. He says that you cannot compel people to associate with a man—that if a man goes into church, and the other people present do not desire his society, no Act of Parliament that you can pass can compel them to pray with him. But apply this clause in this way, and you will see how iniquitous it is. If a man has cattle to sell, under the ordinary law you cannot compel people to buy them; but under this clause you will be able to do so. They may refuse to "deal" with him, and "deal" means "buy." Do let the Government consider well our proposal so far, at least, as "deal" is concerned. This word seems to me a repeating-rifle sort of thing—or rather, I should say, it is a grape-shot—it hits everywhere. To compel a man to sell you the necessaries of life is a very different thing from compelling a man to buy them, and yet that is what this section effects. It goes up and down—it affects buying as well as selling. It is absurd to say even that Boycotting ever prevented persons from purchasing. Even the Primrose League does not prevent people from purchasing from their own political friends. You can always buy from people of your own way of thinking; but compel persons to sell things if you like; do not say, however, that I must deal with a certain person. I will not. I will not buy anything because it is the landlord's—whether it is his pigs or potatoes, unless, indeed, I can get them at my own price. Why do not you pass an Act saying that these things shall be sold at such a price, and that if that price is not given it will be intimidation or conspiracy. I say this word "deal"—and you should add "or sell"—is a preposterous thing to put into this section. You may make a man sell, but to compel a man to buy is a thing that all the King's horses and all the King's men cannot make him do. He may have no money—he may plead the Bankruptcy Clauses of your Land Bill. I do ask the Solicitor General for England to make some statement on this matter, to give us his view of the section, and tell us what it means.

Question put, and *agreed to.*

MR. R. T. REID (Dumfries, &c.): I am sorry that my hon. and learned Friend the Member for Hackney (Sir Charles Russell) is not here for the purpose of moving the Amendment in his name, to which he attaches, and I think many of us attach, great importance. In his absence he has asked me to move the Amendment on his behalf. I wish to say that the object of the Amendment is to prevent that which is unquestionably an evil in Ireland. The object we have in view is to enable the tenant-farmers in that unhappy country to know the landmarks by which they may distinguish between lawful combination, as far as this Act is concerned, and combination within its meshes. I know it may be said that some forms of combination may be crime for summary punishment; but we say give us some idea of what that crime is, however imperfect, by which the tenants may know how they can keep outside the penalties of the Bill. This subject has already been, to some extent, discussed on an Amendment already brought forward, and in that which I have to say I shall endeavour to avoid going over the old ground, although it is impossible absolutely to avoid going over it. There have been several Amendments proposed tending in this direction. Among others an attempt was made to provide that no combination should be punishable unless the means used were violence and intimidation; it was also proposed that the clause should be limited to cases of compulsion. These Amendments have not been accepted. We are, therefore, now practically fighting in the last ditch, and, perhaps, I may say without any great hope of success, but still with the view of making clear the point at issue between the Government and ourselves. I propose that in the Courts of Summary Jurisdiction that one man should not be punished for doing a thing which is innocent in the eye of the Criminal Law, merely because some other person combines with him to do the same thing—that unless the means employed, or the thing aimed at, constitute a crime, persons should not be punishable for combining together. Now, there are some peculiarities I desire shortly to touch upon in the law of Ireland, with regard to conspiracy, contained in a few sentences in a summing up of Mr. Justice Fitzgerald, which distinguish the law of England from the law of Ireland, that is to say, so far as I know the law of England. I think no Judge in recent times has ever put in England the Law of Conspiracy to anything like the same use as that to which it has been put in the case of "The Queen *v.* Parnell." That learned Judge pointed out in that important trial that conspiracy consists in an agreement by two or more to do an unlawful act, or to do an act by unlawful means. I would point out that by the term "unlawful" it is not intended to confine the meaning of the term unlawful to what is in itself criminal. The learned Judge says—

> "If, for instance, a tenant withholds his rent, it is a violation of the right of the landlord; but it would not be a criminal act in a tenant, though it would be a violation of a right; but if two or more agree to do that act there would be a criminal act."

I think it follows, from the law as here laid down, that it is possible, according to Irish Law, that there should be a conspiracy punishable which does not in any way involve a criminal object. Such a conspiracy might compass an unlawful end; but it is no more criminal than my refusal to carry out a bargain I may make with a cabdriver. There is one other matter referred to in the same judgment—namely, the extreme ease with which evidence is received in cases of this kind. The Judge said—

> "I have to inform you that in the law of conspiracy there is no necessity that there should be an express act of conspiracy, but that the parties might then and there personally attempt to carry out the alleged purpose. It might be that the conspirators have never seen each other, and yet at law they are parties in a criminal proceeding."

That decision will not, I think, be disputed to be the Law of Ireland at the present time; and I say it has never been equalled and never rivalled by any decision in England of the like severity. It must, however, be remembered that this will be the Law of Conspiracy in Ireland before whatever tribunal a case arising out of the Act may come. Now let me apply that to the payment of rent. There is a land war going on at the present time in Ireland. Let me suppose that 40 or 50 tenants on an estate did not pay the rent. Then if it can be inferred that there was combination among them not to pay rent, that would be a criminal conspiracy according to the law of Ireland; and, further, it will not be necessary to show, in order to insure conviction according to the judgment of Lord Fitzgerald, that they have put their heads together or even that they are acquainted with one another; and notwithstanding that it is possible they may be found guilty because they have done a criminal act. This is the consequence I wish to avoid under this Bill, and if I am right in the view I take—namely, that this judgment of Judge Fitzgerald is the law, will the Government explain how it is that they can contend unless the present Proviso be adopted, that tenants, combining for the purpose of refusing to pay rent, which may be an unjust rent, are free from the meshes of this clause, or in other words, how this clause will not be available for the purpose of imposing criminal consequences upon the non-discharge of civil liabilities, a policy which I believe has been universally condemned? Whatever any man may think with reference to the propriety of refusing to pay rent, and I have never defended the non-payment of rent if honest and fair, no one can say that the non-payment of rent is criminal, and it is an abuse of language to speak of it as either a crime or an offence of such a character as deserves to be treated in an exceptional manner. I have referred to the fact that there is in Ireland a land war. It is a war, a contest, or conflict substantially of the same character as that which was waged in England between employers of labour and those persons who work for wages. The difficulty which existed in that case was solved in 1875 by a clause exactly the same as that which I am moving on behalf of my hon. and learned Friend. There must be Gentlemen in this House who recollect a keen, legal, and social contest waged around that question, and how it was settled by declaring that if there was intimidation, if there was violence or undue compulsion, then the law might interfere in a criminal way; but if there was persuasion or the mere pressure of social exclusion, then the law would be prevented from interfering. In the Act of 1875 the following section was introduced to regulate the relations between workmen and their employers. It was to the effect that an agreement or combination beween two or more persons to do, or procure to be done, any act in furtherance of a trade dispute between employers and workmen, should not be indictable as conspiracy, if such act committed by one person would not be punishable as a crime. Now, the similar clause which I am about to move, and which, *mutatis mutandis*, will be identical in principle is this—

> "Provided that an agreement or combination by two or more persons to do or not to do, or procure to be done or not to be done, any of the matters aforesaid, shall not be punishable under this section as a crime if such doing or not doing by one person would not be punishable as a crime according to the existing law."

The parallel is absolutely complete, so far as the principle of the proposed clause is concerned, and I desire to point out why the parallel of circumstances is substantially identical. It has been said by the hon. Member for Peckham (Mr. Baumann) and other Gentlemen in the course of this debate, that there is a great difference between the two cases, inasmuch as in the case of those who are tenants in Ireland they would retain possession of the land, which, it is said, belongs to the landlord. Now, it is undoubtedly the case that they would retain possession of the land; but that does not make any difference at all. To begin with, the land is partially the property of the tenants, and therefore not exclusively the property of the landlords; but to rely upon that is to rely on a method of argument which utterly destroys all chance of arriving at a satisfactory analogy between the two cases. What I have heard with regard to trade disputes is, that you have a large number of poor people who have a struggle between themselves on a point in which they are mutually interested. That being so, I am unable to see what is the difference between these two classes. Now, in justice to the proposal which I present to the Committee, I appeal to hon. Gentlemen opposite, and particularly to those of them who are willing, if they can, to prevent this Bill being made the means of wresting from the tenants of Ireland rents which they cannot pay, that while fighting intimidation, fighting violence, still more fighting against crime, that they should not allow this law of conspiracy to be so worked as to impose on the breach of a civil obligation the penalties attaching to a criminal offence. There is one other proposal in the Amendment of my hon. and learned Friend on which I wish to address to the Committee a very few words. It is the second Proviso of the Amendment—

> "That this sub-section shall not be held or construed to create any new crime, and no person shall be punishable for conspiracy thereunder, unless it be proved that the purpose of such conspiracy was either (1) the commission of a crime, or (2) the attainment of some object by means which are criminal according to the existing law."

Now, as far as the first part of the second Proviso is concerned, I dare say it will be said that it has already been met by the words of the Amendment of the Attorney General for England; but I desire to point out to the Government that if they wish to try to meet Members who have honest objections to this Bill, they should admit such words as are in the first line of this Proviso, which make clear what we think is doubtful, and which, according to their own Law Officers, cannot affect the clause. This would limit the application of the punishment under the clause to every conspiracy which either attains, or seeks to attain, a criminal end, or seeks to attain a lawful end by criminal means. If this Bill be a Bill for the suppression of these crimes, surely it is never intended to leave the definition of them to the new tribunal. We are not seeking to codify the law in any sense; we are only trying to limit that part of the law which is to be entrusted to a strange and novel jurisdiction. The ground on which I press this on the Government finally is this, as I have said before, that this is a case in which, unless great care be taken, it is most likely that the operation of the new jurisdiction will be to do that which is contrary to the principles of the Trades Unions Act, and, as I think, to the principles of Common Law generally —namely, to interfere by means of the Criminal Law between two parties to a civil contract, one of whom is alleged to have broken his contract.

Amendment proposed,

In page 2, line 22, after the word "Law," to insert the words—"Provided that an agreement or combination by two or more persons to do or not to do, or to procure to be done or not to be done, any of the matters aforesaid, shall not be punishable under this section as a crime if such doing or not doing by one person would not be punishable as a crime according to the existing Law.

"Provided further, that this sub-section shall not be held or construed to create any new crime, and no person shall be punishable for conspiracy thereunder, unless it be proved that the purpose of such conspiracy was either (1) the commission of a crime, or (2) the attainment of some object by means which are criminal according to the existing Law."—(*Mr. Robert Reid.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The hon. and learned Member for Dumfries will remember that he has in the course of his observations referred to the fact that the Law of Conspiracy has already been treated of in the progress of this Committee. I think we have had four or five discussions on the subject, and under the circumstances the Committee will not, perhaps, be surprised if the Government do not propose to reiterate the arguments they have already put forward. The hon. and learned Gentleman has made an observation which has more than once been made in the course of this debate—namely, that the Law of Conspiracy in Ireland seems to differ from the Law of Conspiracy in England. Now I have on one or two occasions denied that position, and I must deny it again. Of course the hon. and learned Gentleman must know that the law of the two countries is theoretically the same with reference to this matter. The Common Law of the two countries is the same, and any decision given in England would be received and quoted in the Courts of Law in Ireland. But, as far as I can gather from the statement of the hon. and learned Gentleman, the suggestion that there is a difference between the laws of the two countries is to be deduced from some observations taken here and there in the charge to the jury by Mr. Justice Fitzgerald in the case of "The Queen *v.* Parnell." Now I remind the Committee that those utterances of the Judge were not the final judgment upon any specific point of law raised before him. The charge was a long one, lasting over some hours, and the report which was in the paper was, I believe, never corrected by the Judge himself. It is, no doubt, quite possible to take two or three sentences from a charge of that length and derive a meaning from them which would be entirely different from that which was in the mind of the Judge. It is necessary to look at the whole of the charge, and I contend that the instructions given to the jury by Mr. Justice Fitzgerald and Mr. Justice Barry were precisely similar to that which would have been given by any Judge in England. And it amounts to this—that, if the evidence produced in that case is to be accepted, it is quite sufficient to constitute a criminal conspiracy according to the law of England; and I think if the hon. and learned Member would read the evidence he would, beyond all doubt, come to the conclusion that if that evidence were true the crime of conspiracy had been committed. He has referred to two particular points which were dealt with by the learned Judge. The first was the proposition that if two or more persons combine to do a certain act they might be guilty of criminal conspiracy, although if one person committed the act he would be guilty of no offence whatever. Now I do not think you can find anything in any interpretation of the English Law of Conspiracy which would show that that is not in harmony with the English Law. I am sure the hon. and learned Gentleman will see that if there be a combination among men to make property perfectly useless to the owner, and they determine to carry out the intention so that it shall be useless, the combination ought to be punishable. Therefore it seems to me that the proposition laid down is in entire accordance with English Law. The other point in which the hon. and learned Member found fault with the statement of the learned Judge was that persons might be held to be engaged in a conspiracy with people whose names they did not know and whom they had never seen. Now, I think that is also a proposition for which there will be found to be foundation in the law. I gather from the argument of the hon. and learned Gentleman that if the law of Ireland was the same as the law of England his objection to the clause would not exist, or, at all events, not exist to such a degree as it does now. The hon. and learned Member has argued that it was reasonable to insert the clause of the Trades Unions Act of 1875 into this Bill, and there I differ from the hon. and learned Member again, and for the reason that it seems to me that the conditions are essentially different. In a Trade Union dispute the workmen merely combine in reference to a matter *primâ facie* under their control —that is to say, their own labour in the future, whereas here the combination is with regard to something—namely, the land which, as the hon. and learned Member himself has admitted, belongs partly to the landlord. But even on the theory of dual ownership, the tenants' ownership can only exist as long as he fulfils a particular obligation. The combinations in Ireland refer to the land, which, according to the hon. and learned Member's argument belongs to two parties, and the tenants combine together for the purpose of retaining the whole of it for themselves. That seems to make the difference between the two cases complete and to leave no analogy between the case dealt with by the Act of 1875 and the present case. As far as I can judge, the first part of the Amendment of the hon. and learned Member is already in our Bill by the Amendment of my hon. and learned Friend the Attorney General. As far as the 2nd section of the Amendment is concerned, we can say no more than that we define in the Bill the object of the conspiracy, not attempting to codify the means of aiming at such object in any way. Having given our reasons why we cannot admit the Proviso of the hon. and learned Gentleman, I venture to express a hope that the rest of the discussion may be taken as quickly as possible.

Mr. WADDY (Lincolnshire, Brigg): The statement, which has been made by the Attorney General for Ireland by way of answer to my hon. and learned Friend, is that this particular section applies to land and does not apply to work. It must have escaped entirely the attention of my right hon. and learned Friend the Attorney General for Ireland, that one of the very things provided for by the section to which this addition is proposed to be made, is exactly the same as is the subject to which reference has been made, both by the hon. and learned Member for Dumfries (Mr. R. T. Reid) and the Attorney General for Ireland. It is not a question

of land alone. The Bill has these words "or not to deal with, work for or hire any person or persons in the ordinary course of trade, business, or occupation."

Mr. HOLMES: As far as the law with regard to Trade Unions is concerned, there is a special section in the Bill with reference to that.

Mr. WADDY: That is not all the question. What I am endeavouring to point out is, that in order to make an argument against the clause we are told that this is only an Act relating to matters connected with land. That I deny, and say that directly we come to Section 7 of the Appendix, we find it is not to apply to land only, but also to matters of trade. Therefore, I say that the whole argument of the Attorney General for Ireland falls to the ground at once. But this is not the real question; the difficulty we feel, and in respect of which we cannot get any answer, is much broader and wider. It is that this Law of Conspiracy is one of the most objectionable, doubtful, and dangerous branches of our law which we have been endeavouring for years for the purpose of this country and Ireland also to get within due limits, as far as it is possible, to define it. And now you are proposing to establish a new series of offences, and when you establish those offences and bring them within the reach of this exceedingly dangerous branch of law you refuse to define what they are. It is a principle that every penal Statute shall be construed as strictly as possible, and when we ask you to do that, we are told in almost so many words that you really will not do it; that it is not safe, and that you decline to codify the law. No one wants you to codify the law. If you were dealing with the whole law you might say that, but you are here dealing with only part of it. You are now establishing an entirely new set of offences, and when we ask for a clear and definite statement of what these offences are, we cannot get them defined. I wish to point out that the real danger arises very much from the forum before which these matters are to be tried. You have quoted one paragraph from the very learned work of a learned friend of mine, which is cited against us constantly in a very learned fashion—

"But let me remind you that it is true there may be cases in which acts done by several persons under agreement ought to be punished, although the same acts ought not to be punished if done without agreement."

We agree; but the paragraph which follows is one which you seem to forget. It is to the effect, that these offences ought to be specifically and carefully defined. Now this is the one thing which I want to drive home; you will not define the offence; you will not allow these people in Ireland to know when they are in danger; you are going to establish a new jurisdiction of a novel character before which these offences are to be tried, and that is why we call upon you to let them know where they are going wrong. We are told that it is very difficult to codify the law, and yet these extraordinary difficulties are thrown in the way of our carrying out this improvement. We are told by an eminent authority that there is great danger in this law and the working of it, lest the Judge should be tempted to declare it a criminal offence to combine to do anything which is opposed to his political or social views. When we know that this is recognized by trained lawyers and Judges, and when we know that you are going to leave the clause in the hands of Resident Magistrates, then I think it is really too bad, seeing that time after time we have asked you to throw something like a light on the subject, that the Government should say—"You have asked for it before, but we cannot give it." But, inasmuch as this is a new Statute from beginning to end, we shall continue to ask, perhaps in vain, for such information as is necessary for us to understand your Bill, and particularly on behalf of those persons who are to be ruled by it.

Mr. HUNTER (Aberdeen, N.): This is one of the Amendments to the Bill which it may be said will divide the sheep from the goats; it will distinguish between those who are prepared to support a measure for putting down crime, and those who are prepared to support a measure for putting down the tenant farmers in Ireland. It is an Amendment which raises a principle incontestable in itself, and which, I venture to say, is one that is not in harmony with the best part of English Law. Mr. Wright's book has often been referred to in the course of this discussion, and I am surprised that the Government have not learned a lesson from that book. Mr. Wright shows that there is no such thing as Common Law conspiracy in the sense in which Common Law is generally understood; he shows, also, beyond the shadow of doubt, that conspiracy was developed by the Star Chamber, and that it was not a part of the Common Law. This is not the first time that the House of Commons has had before it the subject of conspiracy. It has been before the House on its merits when it was raised without any Party feeling or any sinister object and viewed purely as a question of law. The question was raised by the Conservative Government in 1880, and what were the provisions with regard to conspiracy which the Conservative Government proposed as a codification of the English Law? This will be found in Sections 361-2 of the Criminal Code introduced by Sir John Holker, the Attorney General for England in 1880. Now, these provisions are very remarkable, because they are provisions which are drawn on the line of Mr. Wright's book; they are provisions which are entirely in harmony with this Amendment, and if the Government would accept them in substitution for their criminal clauses in the present Bill, I venture to say there would be very little difficulty in carrying the Bill through the House. Clause 360 of Sir John Holker's Bill provides that everyone is guilty of crime and liable to five years' penal servitude who conspires with any persons to commit any crime punishable with penal servitude. The second clause provides that conspiracy to do what is not punishable with penal servitude shall be visited with a penalty of two years' imprisonment. Beyond these, the only provision was to deal with conspiring to prevent the collection of rates or taxes; everyone was to be guilty of crime, and liable to two years' imprisonment who conspires to prevent the collection of rates and taxes, the levying or collection of which is authorized by law. With that provision also we do not quarrel. These are the things which the Tory Government of 1880 specified in bringing before this House in a codified form, what they considered to be the Law of Conspiracy, and I think they have there an example which they will be doing well to follow in the present case. But they have not done this for a reason which we can all understand, a reason which I have stated to be, that this Bill is not intended to put down crime, but is a Tory measure to aid the landlords in extorting exorbitant rents.

MR. HENRY H. FOWLER (Wolverhampton, E.): I am sorry to see that the Government are disposed to reply to this Amendment by silence. I can quite understand that there have been Amendments put forward in the course of the Committee stage on this Bill with regard to which the Government would be justified in at once announcing their decision, and asking the Committee to divide upon the question; but this, I think, perhaps, is the most important Amendment which has been moved upon this clause, and possibly the most important Amendment to the clause on the Paper. I wish to ask the right hon. Gentleman the Chief Secretary for Ireland if he would consider this case a little more fully than, perhaps, he has hitherto done, and not ask the Committee to come to a decision simply upon the *non possumus* of the Attorney General for Ireland? I am not going to discuss the Law of Conspiracy, which has, no doubt, been fully discussed on recent occasions; but it was hardly fair, on the part of the Attorney General for Ireland, to say that this is the same question which has been raised over and over again. I do not think it is. The Amendment of the hon. and learned Member for Hackney (Sir Charles Russell), which was moved with so great ability by him, assumes the law to be what the Attorney General for Ireland says it is; it takes it for granted that the law is the same in Ireland as in England. It is not the argument that the law is to be altered; my hon. and learned Friend says that in England there is a protection afforded against the unjust application of the law in certain cases, and the purpose of this Amendment is to ask that that protection may be afforded in Ireland. We are agreed with reference to the first great principle of the Law of Conspiracy—namely, that it is conspiring unlawfully to do an unlawful thing; that the second is conspiring unlawfully to do a lawful thing; and then there is the third distinction, of which we have heard so much lately—the combination of two or more persons to do a thing which would not be unlawful if done by one singly. We do not dispute the law. I will not argue Judge Fitzgerald's charge; but we say that in England, after a long and protracted struggle, a protection has been given against an unfair application of the Law of Conspiracy to a specific class of persons dealing with their own industry, and we ask that the same protection should be given in Ireland. I would put this case before the Chief Secretary, because it is one which was set up by a great authority on this question. He said, on this question, that the sub-section which was then before the Committee assumed that to be a crime which was not a crime—namely, a combination to effect a breach of contract. Upon that point at the time the whole Liberal agitation turned. The workmen claimed the right to break their contract singly and jointly, and to induce others to do the like, subject only to proceedings which might be taken in a Civil Court. Now that is precisely the case of the tenants in Ireland; they claim the right to break their contract singly, and induce others to do the like. This was the very question afterwards successfully dealt with in the House of Commons by the efforts of the right hon. and learned Member for Bury (Sir Henry James) and the right hon. Member for Derby (Sir William Harcourt), and others. The principle was accepted by the Conservative Government, and the legislation was embodied in the Act of 1875. It was admitted on all hands, notably by the Conservative Government, and particularly by Sir Richard Cross, that the law which made breach of contract criminal did not apply as against workmen. We say that the principal, almost the sole, industry in Ireland is the cultivation of land, and that it is just as much a staple as the manufacture of cotton in Lancashire; and iron in Staffordshire, and that the workmen in Ireland are entitled to the same protection in Ireland in respect of their combinations to keep up the value of their labour as the workmen engaged in England in those industries. An hon. Member opposite said the other night that the difference between the two classes was, that in Ireland the men were working with somebody else's property, whereas in England they were working with their own. The Attorney General for Ireland said just now that a man had a right to make what terms he could with reference to his own labour, but that it does not apply to the price which a man pays for the use of land. My hon. and learned Friend pointed to the dual ownership of land in Ireland; but I do not think that that does much to strengthen the case; I think the argument would be as strong without that. I think where you have an industry which cannot be made valuable without the labour of another, it would be right to bring it under this clause. But the question in England was not with regard to the man's own wages, it was with regard to the wages of other people. What was done in England was not to establish the right to protect their own contracts, but the right to induce others to break theirs. The principle of strikes is this—the employer wants to reduce wages; there are always a number of men who are willing to go on at the reduced wages; but the heads of the industry say no, it is the interest of the class that we should not have the wages reduced; and therefore they apply strong measures in their own interests in order to compel their fellow-workmen not to work at the rate of wages which the majority judge to be inimical to the trade. It was under those circumstances that the Legislature stepped in and said that the men should not be punished for the act of combination. Sir James Stephen has well put this case. He said that the Act of 1875 protects all combinations in furtherance of trade disputes, and with respect to such questions, provided positively that no crime should be treated as indictable conspiracy, unless the Act agreed upon would be criminal if done by a single person. That is what Sir James Stephen sums up as the law of this country in reference to trade disputes, and that is what we ask shall be the law in reference to these land disputes in Ireland. If the act is a criminal one between men, let it be criminally dealt with. We do not say a word against that. That is not our meaning; but we do mean that where it is a case of simple combination to break a contract, then we say unless that offence is not criminal if committed by one man, it is unfair and unjust to make it criminal when done by four, five, or 20 men in combination. Now, I ask the Government for a moment to strip this question of a good deal of the prejudice which has been involved in it. I ask the Government to agree that the tenants of Ireland, who work with the raw material of land, should have the same protection which after a long struggle was granted to the workmen in England. The Act of 1875 has been found to work well in this country. There have since that Act was passed been fewer strikes, and a better state of feeling between the employers and workmen; and therefore I hope that the Government will look at this question from a statesmanlike point of view, and not strain the Bill into an instrument of oppression for the enforcement of civil contracts.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The circumstances which the right hon. Member has referred to as the reason for the passing of the Act of 1875 are not, in my opinion, analogous to the present position in Ireland. The ground of adoption of the principle of the Act was that, by a series of judgments in Court, and the unfortunate extension of the law in England, the Law of Conspiracy was made to apply in a very harsh manner to the case of the workmen; and what you have to show is that there is some corresponding extension which has been found to be unfair to the tenants of Ireland, and if that were proved to have taken place, there would be something in the contention of the right hon. Gentleman. We say there is no such analogy or extension with regard to the tenants in Ireland; and it is on that ground that we refuse to make this an opportunity for either altering or codifying the Law of Conspiracy. If it had been shown that the Law of Conspiracy had been interpreted either by Irish or English Courts harshly, and was of an oppressive character, then as I have said, there would have been more strength in the argument of the right hon. Gentleman; but there has been no such attempt. I admit we should be most cautious in dealing with the Law of Conspiracy at all; but as we do not attempt that, the right hon. Member must allow us to pursue what we consider to be the expedient course of leaving the Law of Conspiracy as it is, because there has been no adequate reason for engaging in the Herculean task of codification.

SIR WILLIAM HARCOURT (Derby): I think the right hon. Gentleman is capable of being answered in a single sentence. He said if it were a fact that the Irish Law of Conspiracy had been proved to be as harsh towards the tenants in Ireland as the English Law has been to the workmen in England, that then there ought to be protection given. I take that to be his proposition. But the Law of Conspiracy has not hitherto acted harshly towards the tenants in Ireland, because they have had the protection of trial by jury. Whatever doctrine the Judges may have laid down on this subject, it was necessary that when a harsh interpretation was placed upon the law that it should come before a jury. The right hon. Gentleman has admitted that English Judges have put a harsh interpretation on the law, which bore harshly on British artizans. There have been cases of unjust interpretation by the English Judges; and I myself have got those judgments overruled in principle and practice. Well, the doctrine is the same in Ireland. The Irish tenant, up to this time, has had the protection of juries of his own class, which has prevented injustice being done. But we say, if you remove the protection of trial by jury from the Irish tenants, and place the law in the hands not of Resident Magistrates, but at all events, of Judges, without the protection of trial by jury, then you are almost certain to get the same result as you have had in England. That is my answer to the Chief Secretary for Ireland. He said—"Prove me the danger in the past;" but it is not danger in the past that we are dealing with—it is danger in the future, arising out of a specific provision of this Bill, against which we think adequate protection should be given.

Mr. A. COHEN (Southwark, W.): I have only one observation to make on the argument of the right hon. and learned Gentleman the Attorney General for Ireland. I think the hon. and learned Member for Lincolnshire (Mr. Waddy) showed that that argument was of a very insufficient validity, because the clause we are now considering is not limited to land at all. If the argument were good for anything, the Attorney General for Ireland ought to be ready to strike out all words except those relating to land. But let me give an example, which I think the Committee will at once see has a most important bearing on the whole Irish Question. Suppose 100 tenants were to agree together that they would not allow anyone to take land from a landlord who has evicted his tenants for non-payment of rent, can any lawyer say that such an agreement would be indictable for conspiracy? I defy any lawyer who has studied the law with great care to say that would be so. That shows the correctness of the view which is stated in Mr. Wright's book; and I say that if the Government have read it, having referred to that book in connection with the 1st clause, they ought to come to the same conclusion at which the author has arrived—that is, that the whole Law of Conspiracy is Judge-made law. I say that when the Legislature is asked to pass a measure which we were informed the other night by the Chief Secretary for Ireland is a permanent measure, and if by that measure it is intended to give the Resident Magistrates in Ireland summary jurisdiction over a certain class of offences, it is the absolute duty of the Legislature to take care that those offences are clearly defined, or that they are only such offences as are known to the English Law, and clearly as ascertainable according to that law. But it is admitted and proved beyond doubt that, according to English Law, it is extremely doubtful what are and what are not indictable conspiracies, and we ask the Government to tell us what they mean. Do they mean to make any conspiracies indictable other than those which are not crimes to-day, because they are not criminally done by individuals? If they say that that is their intention, then they ought to tell us what other specific offences they intend to include; and if that is not their intention—and I do not believe they have quite made up their minds—then they are bound to accept our Amendment.

Mr. DILLON (Mayo, E.): I gladly accept the challenge of the Chief Secretary for Ireland (Mr. A. J. Balfour). He said—and I heard him with surprise—that if it could be proved that there had been in Ireland the same harsh exercise of the Law of Conspiracy as was admitted to have taken place in regard to English artizans, he would admit we had a case for this Amendment. I gladly accept the challenge, and I am perfectly astonished that the right hon. Gentleman could make such a challenge in the face of the debates that have taken place. Such a statement coming from the Chief Secretary for Ireland is ample proof of the necessity of repeating some of these matters over and over again. I do not intend to read at any length extracts from the now famous charge of Justice Fitzgerald, which has been so repeatedly referred to in this House; but I must read a couple of passages from that charge. What did Justice Fitzgerald say in regard to the Law of Conspiracy? He said—

> "Now, gentlemen, having dealt thus shortly with the information, let me unfold to you what the Law of Conspiracy is, and how it bears on the case."

The case at issue was the combination of the tenants of Ireland to obtain a reduction of rents. Then Justice Fitzgerald gave a definition of conspiracy which has been often quoted. He said—

> "If, for instance, a tenant withholds his rent, that is a violation of the right of his landlord to receive it, but it would not be a criminal act, though it would be a violation of a right; but if two or more incite him to do that act, their agreement so to incite him is by the law of the land an offence."

Can anything be more clear or more distinct than that? I maintained the other day, and I repeat now, that that definition of the Law of Conspiracy includes within its scope every single meeting that has been summoned in Ireland, whether in Ulster or Munster, for the purpose of getting a reduction of rent, because there cannot be the slightest doubt that on all those Northern estates, where there was no question of Nationalist organization, the speakers at meetings did incite their brother tenants to withhold their rents for the purpose of getting a reduction. Now, Sir, I noticed that the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) attempted in his speech to explain away the charge of Justice Fitzgerald. He endeavoured to water it down, for he said it was very unfair to fix upon certain short extracts from a long charge thus, and pin a Judge to them as an expression of his opinion. Justice Fitzgerald is a man eminently able to distinguish between the different portions of his address; and in the first place, he laid down what the law was, then he proceeded to apply it to the facts of the case. But I do not rest myself there. It has been my fate to have been three times tried in Ireland for criminal conspiracy. The first time I was tried by Justice Fitzgerald, and the charge from which I have quoted was the charge in the case. I was then tried before the Queen's Bench in Dublin by Chief Justice O'Brien, and in that trial I was convicted because there was no jury, and I was sentenced in heavy bail, which the Government failed in estreating, because they were met by the barrier of a jury. But, Sir, in my second trial, before the Queen's Bench, I was convicted of criminal conspiracy. On what charge? On this charge, and no other—that I had incited tenants in Ireland to withhold their rents with the view of getting a reduction. I tried to put in the plea of justification on account of intent; but Chief Justice O'Brien, and, subsequently, Justice Murphy, declared they would allow no evidence bearing on the intent, as the intent was nothing to the point. They precluded me from examining witnesses as to my intent. Chief Justice O'Brien took up the charge of Justice Fitzgerald and made it the basis of his judgment. He said that was a definition of the Law of Conspiracy laid down by one of the most distinguished of the Irish Judges; it had become classical, and would become an authority in all future cases. That was my second experience of the Law of Conspiracy in Ireland, and I admit I approach the consideration of this case from a totally different point of view from that from which it has been discussed for the last half-hour. I am not a lawyer, but, I am sorry to say, I am learned in the application of the law. My third trial was before Justice Murphy, so I have the widest experience of the views of the Irish Judges. Now, what occurred at my third trial? Justice Murphy pursued precisely the same course as Chief Justice O'Brien—he quoted the charge of Justice Fitzgerald, said that charge had now become classical, and was a definition of the law in which all Irish Judges would in future go when trying cases of conspiracy. He said that on the one issue whether I had incited tenants to withhold their rents with a view of getting a reduction, I was guilty of the crime of conspiracy, and he distinctly directed the jury to convict. What saved me was the same thing that has saved many men, and nullified the Law of Seditious Libel in this country—namely, the moral sense of the jury. Although the jury were not farmers, they refused to take the definition of the law from the Judge, and they decided that I was not guilty of any crime. It is monstrous for the Government to argue as if they are simply leaving the law as it stands. What did the Chief Secretary for Ireland say? He said he declined to attempt to define the Law of Conspiracy. "We think we are justified in leaving the law as it stands to be interpreted by a competent tribunal." Those were the words of the Chief Secretary for Ireland—"to be interpreted by a competent tribunal." That is to say, that this law, which has exercised the greatest Judges of England, which has been matter of the highest controversy in this House for years, is to be relegated for its interpretation to a bench of Irish magistrates, and this House, which did not hesitate, when called upon in the interests of English working men, to override and reverse the decisions of the most learned lawyers in England, now hesitates to place any limit or restriction upon the jurisdiction of these competent tribunals in Ireland, to whom the unfortunate tenant-farmers are to be handed over. Now, Sir, the Chief Secretary for Ireland dwelt with great force on what he considered to be the fact—that there is no analogy between the case of the Irish tenant farmer and the case of the English artizan. I completely and absolutely deny that any man has a right to make such a statement. No analogy! I fail to see how there can be analogy between any two cases unless there is between these two. Strongly as the case was put by the right hon. Gentleman the Member for Wolverhampton (Mr. Henry H. Fowler) and the right hon. Gentleman the Member for Derby (Sir William Harcourt), they failed to put it as strongly as it can be put. Why is it that a demand was made in England for the protection of men labouring for wages only? Because your farmers are capitalists; they employ labour with their capital, and therefore the demand for protection for their employment came from the labouring men. What is the analogy which is absolutely strict? It is that four-fifths of the farmers of Ireland are absolutely working men, earning wages out of the land. Well, if they are deprived of that land they are reduced to beggary and starvation. And allow me to remind the Chief Secretary for Ireland what this comes to—what the application of such theories comes to. It comes to this—that the fact is, men are legislating for a country the conditions of whose population they are unacquainted with. Let the Chief Secretary for Ireland come down to East Mayo, where there is, practically speaking, no wage-earning population, and he will see the absurdity of saying that the same protection should not be afforded to the tenant farmers of Ireland as is afforded to the labourers of England. They accuse us of exciting these people to hold other men's property while refusing to pay for it. Have the landlords not got their legal rights? Have we incited, in a single instance, the farmers of Ireland to resist by force of arms, or by force of any kind, the enforcement of legal rights? Nothing of the sort. The legal remedy is always open to the landlord, and he can, by legal process, recover possession of his property; and, therefore, it is monstrously untrue to say we incite these people to hold another man's property; and in the end the landlord, under the law as it stands at present, can get a great deal more than his just rights. If the tenant refuses to pay an exorbitant rent, the landlord can not only take back his property, but he can also take from the tenant the whole of his property, and that is what is being done in Ireland every day. It is a monstrously illusory argument to tell us the tenants of Ireland are holding other men's property because they do not of their own free wills walk out of their farms. They remain in possession of their holdings, but the landlords have a tremendous remedy by which they can recover their property—a remedy they have shown they are not slow to use. It remains for the Government to tell us on what real and substantial grounds they deny that the tenants of Ireland stand in precisely the same position to the general population of Ireland as the artizans of this country do to the general population of England. It remains for the Government to tell us on what ground they refuse to the tenants of Ireland the same protection they have given to the artizans of England. In my opinion, the Irish tenant has a stronger case for protection than the artizan of England, because the latter is free to go and labour where he likes—he carries his fortune at his fingers' ends; but the poor tenant of Ireland is chained to the one spot of earth, not only by sentimental feelings—which are enormously strong—but by property, which he must leave behind and be robbed of if he leaves the spot. His position is much more defenceless and weaker than that of the artizan of England, and, therefore, I say he deserves greater protection under these circumstance. I utterly fail to understand on what grounds the Government persist in their present position. The right hon. Gentleman the Chief Secretary for Ireland distinctly stated that if we could show that this harsh assertion of the Law of Conspiracy had been made against the Irish tenants he would admit we had a strong case. I contend that we have fully shown the fact to him, and now I earnestly ask him to give a reason why he should persist in rejecting this Amendment. There is only one other point I desire to refer to. I am not sure whether it was the Chief Secretary for Ireland or the Attorney General for Ireland who said the supporters of this Amendment had overlooked the provision protecting trades unions in Ireland. Why do you need to protect trades unions by a special provision if this Act is not to deprive Irish farmers of the rights you have secured to English labour? The very existence of that provision is the condemnation of this clause; it is a declaration that by this Act you mean to say that the tenant farmers of Ireland—the small tenant farmers of Ireland who constitute four-fifths of the population—are inferior beings, not fit to stand on the same footing as their English bretheren, and it is by that declaration alone you will see the condemnation of your Act in the eyes of the working men of this country.

MR. A. J. WILLIAMS (Glamorgan, S.): I have listened with the greatest interest to the whole of this debate, and desire to address a few words to the Committee. A great deal has been said of the book which has been written by Mr. Wright upon the Law of Conspiracy. I cannot help thinking that the book has been more referred to than read. I have, whilst the debate has proceeded, carefully read and re-read that admirable work, and endeavoured to realize exactly how the matter stands with reference to this branch of English juris prudence. It seems to me the arguments in this case have too technical a character. Let me try to present the state of affairs as far as this particular section is concerned. As Mr. Wright points out, the whole of this branch of the Criminal law is Judge-made—it is exclusively the product of the judicial mind. Excellent as judicial legislation has been with reference to Commercial Law, unfortunately, in dealing with Criminal Law we always find that the judicial mind is rather in favour of arbitrary treatment. The state of the law with reference to combination is this—First of all we have combinations to do what, if done by one person, would be lawful, by means which would be lawful. It is agreed on all hands that such combinations are lawful. Then we have agreements by workmen not to work except on certain terms; and here I come to the proposition of the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) which seems to me to be utterly opposed to the principles of criminal jurisprudence with reference to combination. As I understand the law laid down by Mr. Wright, it is not the Common Law, and never has been the Common Law of this country, that combinations by workmen not to work except upon certain terms are illegal. The trade combinations which have been referred to were made distinctly illegal by old Statutes, and it was based upon these old Statutes that our Judges directed juries to convict. It was in consequence of the decisions in these cases that the Masters and Servants' Act of 1875 was passed. It is distinctly stated in Mr. Wright's book that all combinations of this kind were perfectly legal, with the single exception of the combination of the trades union. I will upon this point give an authority which is highly respected in this House—the authority of the right hon. and learned Gentleman the Member for Bury (Sir Henry James). In the debate upon the Masters and Servant's Act, in 1873, the right hon. and learned Gentleman said—

> "In punishing what the law called conspiracy we were punishing what working-men called combination. They were bound to combine, and their experience was that without combination all attempts to improve their condition were hopeless. The gas stokers were punished because admitting their right to combine, they had combined to break a contract, and because

under Section 14 of the Master and Servant Act that was a criminal offence. It would not have been criminal on the part of any other subject of the Realm, but it was criminal in them."—(3 *Hansard*, [216] 607.)

So much for legal combinations by workmen or others to improve their position. Now we come to the combinations which are distinctly criminal. A criminal combination to do something is either to do something which is criminal or to do something which is perfectly legal by criminal means. It is only the intermediate class, a very large and varied class of combinations, which is left at large under this section, and which we, on this side of the House, say should be clearly defined. I am quite willing to admit that there is the greatest difference between the *dicta* in reference to this class of cases of learned Judges on this side, and learned Judges on the other side of the Irish Channel. I wish to be perfectly fair, because it is very important we should realize the true bearings of the case. The right hon. Gentleman the Member for Derby (Sir William Harcourt) has mentioned some cases. Perhaps the Committee will bear with me while I mention one or two cases in corroboration of this view—

> "A conspiracy to injure a man in his private property, a conspiracy to prevent all customers coming to his shop, what is that but a civil injury? A conspiracy to injure two men combining to interfere with a man's civil right is indictable."

What does Mr. Wright say in reference to that dictum of Mr. Justice Erle? "It is conceived," says Mr. Wright—

> "That these expressions, for the most part only amounting to a question or a doubt are not sufficient to establish exceptions to the principles involved in the decisions given before."

Namely, that a combination to injure is not criminal unless criminal means be used. Now, Mr. Courtney, it is precisely this class of case in which it is admitted on the Treasury Bench that the act is not, *per se*, in itself illegal, but in which something may be done which may possibly be injurious or unlawful, that we are asked to deliberately withdraw from the only safeguard which, for generations, has preserved the humbler classes in this country from the injustice which would have been done them if these *dicta* had not been actually withstood by juries. I was greatly surprised to hear the hon. and learned Gentleman the Attorney General (Sir Richard Webster) say he thought two of the Irish Resident Magistrates were better than 12 jurymen in England or in Ireland. I am sure Liberal Members do not wish to make any reflection upon the competency of the Resident Magistrates of Ireland; but I think every sensible man will admit that these questions of nicety and delicacy, involving the greatest Constitutional consequences, are questions which should not be withdrawn from juries. I quite agree with my right hon. and learned Friends that if we must have this odious Act the Government ought at least to define the criminal acts which they are going to create.

MR. SHAW LEFEVRE (Bradford, Central): Mr. Courtney, I desire to say a very few words in support of the Amendment of my hon. and learned Friend (Mr. R. T. Reid). I think that no one can read the remarks of Mr. Justice Fitzgerald in the Parnell case without coming to the conclusion that he goes very far beyond any decision of English Judges in similar cases, that he has laid down a doctrine which goes very far beyond the Law of Conspiracy as defined in any of the law books or decisions of English Judges, and without questioning the law of that learned Judge, I cannot but think it would be very desirable that his ruling should be revised by the Superior Court, either the Superior Court of Ireland or the Supreme Court of England—namely, the House of Lords. At present, the ruling of Mr. Justice Fitzgerald must be taken as conclusive, and it is absolutely certain that that ruling will be accepted as the law by the Resident Magistrates in Ireland. Well, now there will be no appeal under the clause before us, if it is passed in its present shape, except to a single Judge—namely, the Judge of the County Court. There will be no possibility of appeal from the Resident Magistrate to the higher tribunals of Ireland, or even of England. It will be quite possible when this clause is passed into law that the hon. Gentleman the Member for East Mayo (Mr. Dillon) may be summoned before a magistrate and committed to prison for six months for merely recommending tenants to combine for a reduction of rent. It is quite possible that anybody in the position of the hon. Member may be summoned before one of the Resident Magistrates in

Ireland and sentenced to prison for six months with hard labour, without the possibility of his appealing to the higher tribunals of either Ireland or England. That would be a great scandal, one of the greatest scandals possible in the country. It is surely very undesirable any such thing should take place. For my part, I think that the case of the small tenants of Ireland for protection is even a stronger one than that of the labourers of England, because they have an interest in the property of the holdings in respect of which the dispute arises; and having that interest it is most important that they should be put in a position in which they can freely combine for the purpose of obtaining just rents in respect of their holdings. The clause which is now before us prevents them having that free power of combination, and it is for that reason I most strongly oppose it, and earnestly hope the Amendment of my hon. and learned Friend (Mr. R. T. Reid) will be passed. I have put a question to the Attorney General for Ireland (Mr. Holmes); but as yet neither he nor any Member of the Government has ventured to answer it. I put this question—Suppose 50 or 60 small tenants in Ireland, feeling themselves unjustly treated in regard to rent, combine together, and four or five of the leading men summon the tenants together and advise them to strike against their rents, will the four or five men be liable to be summoned, under the clause as it stands, before a Resident Magistrate, and to be convicted and sent to prison with hard labour? No answer has as yet been given from the Government Bench to that question, and I presume, therefore, it cannot be answered; because under this clause, as it stands, it will be possible to commit these men to prison. I say that is a position precisely similar to that of the labourers of England before the Act of 1875; and if the analogy holds good, as I believe it does, we ought to give the same protection to the tenants of Ireland as we have given to the labourers of England under the Act of 1875. There is no law in any country in Europe in which a similar Law of Conspiracy exists. Even in India people cannot be convicted of conspiracy under such conditions. I maintain that the law of Europe and of India is opposed to the clause now before us, and, therefore, I hope the Committee will agree with the Amendment of my hon. and learned Friend.

Mr. T. M. HEALY (Longford, N.): I must say the conduct of hon. Gentlemen opposite is not, in my judgment, calculated to shorten discussion. Mr. Courtney, this is a Bill you would not apply to niggers, and yet you mean to apply it to Irishmen; and when that right hon. Gentleman (Mr. Shaw Lefevre)—a Privy Counsellor, an ex-Cabinet Minister—refers to the fact that hon. Members of this House may get certain imprisonment, hon. Gentlemen below the Gangway opposite, who weep over a wounded land-grabber, and who groan in spirit if the tail of a cow is cut off, think it is calculated to promote discussion in this House by gloating beforehand over the action of their Resident Magistrates. Now, let me say that, whatever this House of Commons may do, whatever hon. Gentlemen below the Gangway may think, and whatever Rules you may enforce, we will fight you as long as we can sit on these Benches. I tell hon. Gentlemen below the Gangway who, in a half-drunken condition, try to howl us down——

The CHAIRMAN: Order, order! The hon. and learned Gentleman must be more respectful to the House than use language of that kind. [*Ministerial cries of* "Withdraw!"] It would greatly assist the Chair if hon. Gentlemen would not proffer their assistance by cries of "Withdraw!"

Mr. T. M. HEALY: Mr. Courtney, I bow to your ruling under any circumstances——

Commander BETHELL (York, E.R., Holderness): I rise to Order, Mr. Courtney. I wish to ask you if the hon. Gentleman should not withdraw that expression?

The CHAIRMAN: Order, order! Mr. Healy.

Mr. T. M. HEALY: I would respect a ruling made by you, Sir, under any circumstances. If it will please hon. Gentlemen opposite I will withdraw the expression; but I must say we will not sit here and be howled down by hon. Gentlemen opposite when the liberties of our country are under discussion. No matter what the consequences or what the penalty may be, so long as we are here we will protest against this Bill. If you howl us down you must take the consequences. I know no Assembly in Europe where conduct such as that of hon. Gentlemen opposite would be tolerated for a moment. We are here in a minority, it is true; but we are fighting for the liberty of our country, and for hon. Members who call themselves Gentlemen——

THE CHAIRMAN: Order, order!

MR. T. M. HEALY: When we are dealing with one of the most important, abstruse, and delicate questions that ever came before any country, are we going to have our men howled down by men who have not even taken the trouble to read the Bill, who know nothing about it—who are, in fact, absolutely incompetent to pronounce an opinion upon it? I say it is a public scandal, and I tell them that, whatever the consequences may be, it is not by howling that they will pass this Bill. Now, Sir, we have to sit here while they are away at dinner. We have to argue these points while they are indicting letters, possibly denouncing us to *The Times*. Let any one of them put his finger upon some particular portion of the debate, and say this is irrelevant or that is irrelevant, and not deal with us by a system of howling which has become a disgrace to them and the country they belong to.

Question put.

The Committee *divided*:—Ayes 180; Noes 263: Majority 83.—(Div. List, No. 166.)

THE CHAIRMAN: The decision just arrived at disposes of the next two Amendments.

MR. MARUM (Kilkenny, N.): I beg to move to insert after "Law" in line 22—

> "Provided, That no agreement or combination shall amount to any such criminal conspiracy unless some act, other than such agreement or combination, be done to affect the object thereof by one or more of the parties to such agreement or combination."

I do not propose to travel over the ground which has been covered by previous Amendments. My Amendment simply provides that a person shall be guilty of some act other than the act of entering into an agreement before he shall be said to have engaged in a criminal conspiracy. The provision I propose is to be found in the American Code.

Amendment proposed,

> In page 2, line 22, after "Law" insert "Provided that no agreement or combination shall amount to any such criminal conspiracy unless some Act, other than such agreement or combination, be done to effect the object thereof by one or more of the parties to such agreement or combination."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): This Amendment would introduce a change in the law, for which we have got no precedent in this country, nor, as far as I am aware, has it been suggested in any code or by any authority that such a change should be made in this country. I hope, therefore, the hon. Member will not press the Amendment to a Division.

MR. CHANCE (Kilkenny, S.): The right hon. and learned Gentlemen has admitted that this Amendment would introduce a change in the law, because an overt act may be done in coming to —in producing an agreement, and that overt Act, without producing an agreement, would be quite sufficient evidence of conspiracy; but without entering in the slightest degree into the advisability of introducing the change, he refused to support this Amendment on the ground that there was no precedent whatsoever in any code or elsewhere for a provision requiring an overt act other than the Act which creates the agreement for which conspiracy could be charged. On that point, I think I can refer him to the existing Code of Indian Law which bears out the principle which this Amendment seeks to introduce. If he would be good enough to refer to Act 45 of the Governor General of India, passed in the year 1860, and if he looks at the 5th chapter of that Act, Sections 178 and 179, he would find it laid down that an offence or offences constituting conspiracy may be conspiracy followed up by an overt act; and in Sections 107 and 108, that no conviction for conspiracy can be had unless conspiracy and some overt act have been shown. But I might point out further, that the Indian Law not only supports this Amendment, but it absolutely goes on to provide that no conspiracy shall be punishable unless either by means or by object that conspiracy tends to the commission of an offence which would be a crime if committed by one person. That Indian Code, which is at present the law governing the action of many millions of Her Majesty's subjects, contains the very principle which the Amendment of my hon. Friend seeks to introduce. It has been fully recognized in India since 1860, a period of nearly 28 years; and I think it is full time that such a principle should be recognized in Ireland.

Mr. O'DOHERTY (Donegal, N.): The Committee will observe that the act is not an act to be done by the person charged with an offence. The limitation which my hon. Frined wishes to put upon the crime, as it is to be dealt with by the Resident Magistrates, is such a conspiracy as has gone so far that an act or an attempt to carry out the object of the conspiracy shall be done. Surely that is not much of a limitation. It may be in the words of the right hon. and learned Gentleman (Mr. Holmes), a change in the definition of the Law of Conspiracy if we were here defining the Law of Conspiracy; but what this section is doing is defining that part of the Law of Conspiracy which is to be dealt with by Resident Magistrates, and, surely, when we seek to put a limitation—when we seek to put one condition upon the conspiracy that is to be dealt with by Resident Magistrates, it hardly lies in the mouth of the right hon. and learned Gentleman to say that here we are seeking a change in the definition of the law. The Government are themselves responsible for this Amendment. They choose deliberately to avoid the technical word "conspire." That word they have changed, or rather they have discarded, and they have put in "take part in," and surely it is little enough that the taking part in should be taking part in something which has gone so far, at least, as either to attempt to compel, or an attempt to induce—that something should have been done more than the mere taking part in. In my opinion, if a Resident Magistrate finds that a discussion has gone on among some tenants in a small room as to whether they should apply to their landlord for a reduction of rent, and that they might say—"Yes, we should, and we should not pay our rent until we send in a memorial"—that thereupon the Resident Magistrate would say that is conspiracy, yet no act will have been done more than the mere conversation of the men and their agreement to do a certain act. There is a very remarkable part of the law in regard to the very highest offence. The offence of treason must be evidenced by an overt act. Surely, if such a condition was required with regard to treason, and offences against the Sovereign, some such limitation should be imported into the Law of Conspiracy that has to be administered by two Resident Magistrates in Ireland. I think my hon. Friend was right in moving the Amendment. I think the right hon. and learned Attorney General for Ireland was wrong in saying that this was an effort to introduce change in the definition of the Law of Conspiracy, and if we do not ask, as we do not ask by this Amendment, that an act shall be proved against the person himself charged with an offence, but simply on the part of some one of the conspirators, we are not asking the Committee to sanction anything which is extraordinary.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): As I desire to report progress in order to take two Bills which must be taken this evening, I hope the Committee will come to a decision upon the Amendment as soon as possible.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I think the request of the right hon. Gentleman is not unreasonable, and I would join in his appeal to come to a decision as soon as possible.

Mr. MARUM: I ask leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. W. H. Smith.*)

Mr. CHANCE (Kilkenny, S.): Before you leave the Chair, Mr. Courtney, I wish to ask the right hon. Gentleman whether he intends to take this Bill on Monday next. It will, I think, be rather unreasonable to keep a large number of Members in London for one day next week who would otherwise go home, when you might allow other business to be done. No real progress will be made on Monday, because it will be impossible almost to keep the necessary number of Members in the House to enable the Government to do that.

MR. MARUM (Kilkenny, N.): The right hon. Gentleman must bear in mind that it takes two days for Irish Members to go to and return from Ireland.

MR. W. H. SMITH: I announced that the Bill would be taken on Monday, and I am afraid I cannot draw back from that announcement, having regard to the convenience of hon. Gentlemen generally. I propose, however, not to take the Bill on Monday fortnight, that is to say, on the 6th June, but to take Supply instead. The object of hon. Gentlemen will thus be secured in some measure, and I trust that arrangement will meet with satisfaction. Perhaps I am hardly in order in going further. ["Go on."] Well, Sir, with the permission of the House I wish to say that on Monday the 6th June it is proposed to take Supply, the Budget Bill later, and subsequently the National Debt Bill. ["What Supply?"] In accordance with an arrangement made with the right hon. Gentleman opposite the Post Office Estimates will be taken first, and then in the ordinary course, Class 1 of the Civil Service Estimates.

MR. MAURICE HEALY (Cork): I wish to ask the First Lord of the Treasury when all the Papers relating to the Whiteboy Acts will be in the hands of hon. Members. We are now coming near that portion of the Bill which deals with the Whiteboy Acts, and the putting down of Amendments will be rendered very difficult unless we know what the charges under these Acts are.

MR. W. H. SMITH: We will give the House full information before we arrive at that portion of the Bill which refers to the Whiteboy Acts. Any assistance which the House requires for the discussion of these Acts will certainly be given.

MR. CHANCE: I understand no progress will be made with the Crimes Bill on Tuesday next—at the Morning Sitting on Tuesday.

MR. W. H. SMITH: That is the intention of the Government. The Bill will be put down for Monday and will be taken on Monday, and I hope, notwithstanding the anticipation of the hon. Gentleman, that considerable progress will be made with it. We shall then adjourn consideration of the Bill until Tuesday the 7th June.

Question put, and *agreed to.*

Committee report Progress; to sit again upon *Monday* next.

DUKE OF CONNAUGHT'S LEAVE BILL.—[BILL 228.]

(Mr. William Henry Smith, Mr. Secretary Stanhope, Sir John Gorst.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir John Gorst.*)

MR. T. M. HEALY (Longford, N.): I wish to ask the Government a question upon this Bill. I offer no opposition in the world to the Duke of Connaught's leave; but it seems to me the Government might take this opportunity of making that slight change in the law for the benefit of other officers which was discussed on the second reading of the Bill. There will be no trouble in passing the Bill in reference to the Duke of Connaught; but I would respectfully point out that it would be the most simple thing in the world to change the title of the Bill and call it something like the Leave of Absence from India Bill, and thus prevent it from having the invidious appearance of being passed simply for the convenience of the Duke of Connaught. I do not think it fair to pass an Act which seems to raise an invidious distinction; and to put in a clause dealing with officers generally would look fairer all round.

THE UNDER SECRETARY OF STATE FOR INDIA (Sir JOHN GORST) (Chatham): The matter is not so simple as it appears. It is now under consideration, and I hope in the present Session that a measure may be submitted to Parliament for dealing with the question. To attempt to do it now would, I think, involve matters which, at all events, would cause delay; and it is a matter which ought not to be dealt with without full conideration.

Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Motion made, and Question proposed, "That Clause 1 stand part of the Bill."

MR. LABOUCHERE (Northampton): Upon this clause I wish to say, Sir, that we have an assurance from the right hon. Gentleman the First Lord of the

Treasury that the Duke of Connaught will not receive any pay during the period of his leave. I wish to ask the First Lord of the Treasury whether that applies only to Indian pay or generally?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): It refers to his pay as Commander-in-Chief of the Bombay Army. It does not, of course, affect any regimental pay, which he would have under any circumstances, whether he was in command or not in command. The engagement is that all his pay and all his allowances, in reference to his position as Commander-in-Chief of the Bombay Army, will be suspended the moment he leaves his command until he returns to it.

MR. LABOUCHERE: I presume the Duke of Connaught will pay his own expenses in coming home?

MR. W. H. SMITH: That, also, is understood.

Question put, and *agreed to.*

Bill *reported*, without Amendment.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Sir John Gorst.*)

MR. T. M. HEALY: I simply wish to ask a question with reference to the next Business on the Paper—namely, what Bills it is proposed by the Government to take to-night?

MR. W. H. SMITH: We propose to take the East India Stock Conversion Bill, the Truro Bishopric Bill, and the Public Parks and Works (Metropolis) Bill.

Question put, and *agreed to.*

Bill read the third time, and *passed.*

EAST INDIA STOCK CONVERSION BILL.—[BILL 267.]

(*Sir John Gorst, Mr. Jackson.*)

CONSIDERATION. THIRD READING.

Bill, as amended, *considered.*

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Sir John Gorst.*)

MR. SPEAKER: As this Bill, which is technically speaking a Money Bill, provides no charge, but on the contrary, effects a saving, I shall under these circumstances, make no objection so far as I am concerned to the next stage being taken.

MR. T. M. HEALY (Longford, N.): I am entirely in favour of this Bill being taken; but, at the same time, I am always at a loss to know why it was regarded as a Money Bill, and why the block did not affect it. I always understood a Money Bill to be a Bill which made a charge on the taxpayers. I am at a loss to know under what possible circumstances a Bill like this should ever be considered a Money Bill. I think it a most unfortunate thing that we should have this extension of the Money Bill principle. We had another instance in a Bill dealing with the Irish Constabulary, which was called a Money Bill.

Question put, and *agreed to.*

Bill read the third time, and *passed.*

PUBLIC PARKS AND WORKS (METROPOLIS) BILL.—[BILL 136.]

(*Mr. David Plunket, Mr. Jackson.*)

SECOND READING.

Order for Second Reading read.

THE FIRST COMMISSIONER OF WORKS (Mr. PLUNKET) (Dublin University): I am extremely glad that I have at last obtained the opportunity of asking the House to give a second reading to this Bill, and I hope there will be no opposition to it. At the same time, I feel it is right that I should very briefly state to the House what the object of the Bill is, and what it is proposed to do. The object of this Bill is to give effect to a promise which was given last year when the Estimates were being discussed, and when considerable objection was taken to a continuance of the payment of the expenses of the Parks of the Metropolis by the taxpayers of the country. The hon. Member for Northampton (Mr. Labouchere), amongst others, objected strongly to this, and there was a Division adverse to the Vote on that occasion—that is to say, adverse to the maintenance of the Parks at the cost of the taxpayers. On a subsequent occasion, it was agreed that the Vote would not be opposed, as to the Parks which are known as Royal Parks, on a pledge being given that the other Parks were excluded from the Vote, and accordingly a Bill was brought in last year for the purpose of giving effect to that pledge.

Unfortunately, that Bill miscarried, and did not become an Act of Parliament; and this year, as early as we could, the Bill which I have now to ask a second reading for was introduced in this House. The objects of the Bill are, very shortly, as follows. They are to transfer certain Parks and other works to the Metropolitan Board of Works, and to provide that in future they shall be maintained at the expense of the ratepayers of the Metropolis, instead of at the expense of the taxpayers of the country. The Parks and the works which it is proposed to transfer in this way are set out in the Schedule of this Bill, and they are Victoria Park, Battersea Park, Kennington Park, Bethnal Green, Westminster Bridge, and the Thames Embankment at Chelsea. These are the Parks and works which it is proposed by this Bill to transfer to the Metropolitan Board of Works, so that in future the expense of maintaining them shall be borne by the ratepayers of the Metropolis, and no longer by the taxpayers of the Kingdom. I do not know that the principle of this Bill will be disputed in any quarter of the House; but I know that objections have been taken to the fact that one of these Parks—that is to say, Battersea Park—is charged with a considerable sum of money—a sum of £133,000 of debt. But, on the other hand, we propose in this Bill to transfer to the Metropolitan Board of Works along with this debt an estate which at the present time produces £4,500 a-year from ground rents, and which will, we believe, in a few years produce the much larger sum of £6,800 a-year. We believe that this would not be a bad bargain for the Metropolitan Board of Works to make. At the same time, as I have informed the House, in answer to Questions which have been put to me on the subject, if those who represent the interests of the Metropolitan Board of Works should prefer to have it in the other way—that is to say, that we should simply hand over the Battersea Park to the Metropolitan Board of Works, discharged of the debt, and without the estate, we should amend the Bill in that way, and the natural result would be as follows:—that is to say, we keep the estate from which a very large income is derived, and we keep the debt; but we hand over the Park without the estate and without the debt. We believe that the way in which it is proposed by the Bill—that is to say, to give the Park with the debt to the Metropolitan Board of Works, and the estate which produces the income I have mentioned—would not be a bad bargain for the Metropolitan Board of Works. On the other hand, if they prefer to take the other way—to take over the Park without the debt, and without the estate which produces the income I have mentioned, we shall not resist such an Amendment if it is proposed. Therefore, the Metroplitan Board of Works will have its own way. I have only to state that the natural result of the Bill will then be as follows. There will be properties transferred which, in order to place them in their present position, would involve a capital expenditure of £493,500, against an annual expenditure of £19,300—that is to say, an annual expenditure for keeping up and maintaining these works. I do not know that the House would wish me at the present time to go through more particularly the section of the Bill. I think I have stated generally the provisions of the Bill, and when we come to discuss the matter in Committee, it can be more fully gone into. Sir, I hope that on the present occasion the House will allow the second reading of this Bill. I move that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Plunket.*)

Sir JAMES M'GAREL-HOGG (Middlesex, Hornsey): I do not wish in any way to oppose my right hon. Friend's Motion; but I must say that I am taken very considerably at a disadvantage. I did not think that this Bill would be brought on just now, and it is my misfortune that I have not brought any notes down to the House with me. With regard to what advantage the Metropolitan ratepayers may get, I may just remark this—that it is rather hard on the ratepayers of the Metropolis to say they get a very good bargain. I should like to ask my right hon. Friend whether he would accede to the Motion I have put down, that this Bill should be referred to a Select Committee. [Mr. Plunket indicated assent.] Very well, that being so, I think I shall not waste the time of the House, but agree to the second reading of the Bill, on the understanding that it shall be referred to a Select Committee.

MR. PLUNKET: I have no objection to that course.

MR. ILLINGWORTH (Bradford, W.): Before the Bill is disposed of in the very agreeable manner suggested by the right hon. Gentleman the Chairman of the Metropolitan Board of Works (Sir James McGarel-Hogg), I think there should be an expression of opinion from the general body of the House as to the position in which the whole question stands. I may point out that parks are not peculiar to London. There is now hardly a town of any magnitude or enterprise in the United Kingdom which is not provided with parks quite as large in proportion as those in the Metropolis. Now, Sir, what are the means out of which these parks have been provided? Unless it be by the private munificence of individuals, there is only one method available whereby the ratepayers can provide themselves with the necessary funds. Recourse is had to the practice of borrowing on the rates of the town, and the ratepayers are made liable for the repayment of principal and interest. I suppose it will scarcely be contended in any part of the House that these parks are worth the money that they have cost; and if the whole charge of the London Parks was thrown upon the Metropolis, the Metropolis would be in precisely the same position as any other town or city in the United Kingdom wishing to provide itself with similar advantages. No doubt the error in the past has been that Parliament has taken upon itself to provide the Metropolis, free of charge, with these enormous advantages. But, fortunately, the representatives of the general taxpayers of the country have risen to protest against a continuance of the practice. I do not see any necessity why an estate to the value of £178,000 should be handed over to the Metropolis in order to induce the Metropolis to take over these Parks. What is the fund to which the right hon. Gentleman the First Commissioner of Works (Mr. Plunket) refers? I suppose it is really now a national estate; and, because Parliament is handing over to the Metropolis property which is costing the Board £493,000, I do not see any necessity for the additional gift of an estate now bringing in over £4,000 a-year, and which will shortly be bringing in over £7,000 a-year. It is true that these Parks will require an annual charge on the Metropolis for their maintenance; but there is no peculiarity in that. There is an annual charge on every Provincial Park in the country, and I do not see why the Metropolis should have exceptional privileges in this respect. After the transfer of these Parks and the annual charges in relation thereto, there will still remain several Parks in London in regard to which the Metropolis will enjoy exclusive advantages, and in regard to which the annual charge will remain upon the taxation of the country at large. The Metropolis has the exclusive benefit of the Royal Parks, and I do not see why the cost of their maintenance should be a general charge upon the taxpayer. The ownership of the Royal Parks might remain with the State as at present; but, so long as they are for the sole benefit of the Metropolis, I think the least that can be done is to make the Metropolis liable for their maintenance. I do not hesitate to say that any other city in this country would be only too pleased to take over any public property on the same conditions. At any rate, as representing a Provincial constituency, I wish to enter my protest against handing over this additional estate in order to sweeten the gift to the Metropolis.

SIR ROPER LETHBRIDGE (Kensington, N.): I do not propose to move the Amendment of which I have given Notice, because I am of opinion that the suggestion of the right hon. Member for the Hornsey Division of Middlesex (Sir James M'Garel-Hogg) will answer the purpose I had in view. I wish, as a Metropolitan Member, to protest against additional burdens being placed upon the ratepayers of the Metropolis in consequence of what was little else than a snap Division taken at an unreasonable hour last Session. The ratepayers of London are already notoriously overburdened, and I think it is hard, under these circumstances, that they should be made responsible for additional charges. If new burdens are to be imposed on the ratepayers in London, I think any fund so raised might be applied to the purpose of obtaining new open spaces for the benefit of the poor. It must be remembered that the circumstances of

London are entirely different from those of most of the Provincial towns. I venture to submit to the hon. Gentleman the Member for West Bradford (Mr. Illingworth) that in the case of any ordinary Provincial town the ratepayers are within easy reach of the suburbs, and are not called upon to find any rates to keep up those suburbs. Even in the larger Provincial towns the poor are not so entirely shut out from access to the suburbs as they are in London. I took part only last week in the opening of a recreation ground in the borough which I have the honour to represent. This recreation ground is at a considerable distance from any one of the existing Metropolitan Parks, and it was universally agreed on that occasion that until this open space was provided, the poor of the neighbourhood were absolutely precluded from taking advantage of those green spaces which are the lungs of London. I trust that Members who sit for Provincial constituencies will consider the peculiar circumstances of the ratepayers and of the poor of London; and that they will, at any rate, consent to the very moderate proposal of my right hon. Friend the Member for the Hornsey Division of Middlesex (Sir James M'Garel-Hogg), that this Bill should be referred to a Select Committee.

MR. JAMES ROWLANDS (Finsbury, E.): Speaking as one of the Metropolitan Liberal Members, I may say that, inasmuch as the Government have consented to refer the Bill to a Select Committee, I have no intention of opposing the second reading. I do not quite understand the drift of the remarks of the hon. Gentleman the Member for West Bradford (Mr. Illingworth). Either we have no right to be burdened with the cost of Battersea Park, or if we have a right to be so burdened we have a right to any source of income which appertains to it. The estate to which reference has been made distinctly belongs to Battersea Park, and I, for one, shall fight against any proposal to throw the charge on the rates, unless we also have the estate or some equivalent for it. I should also like to point out that London is in an entirely different position from Provincial towns in reference to the control which the ratepayers exercise over local affairs. If the Metropolis had the same kind of municipal authority as Bradford or Manchester, we might be more ready to assume responsibilities of this kind. I do not intend to trouble the House further at this late hour of the evening, except to say that I hope the ratepayers of London will be given an opportunity of expressing their views before the Select Committee suggested by the right hon. Gentleman the Chairman of the Metropolitan Board of Works.

MR. SHAW LEFEVRE (Bradford, Central); I entirely agree with the principle of this Bill; and I should like to know whether, under the terms of the Reference to a Select Committee, it will be open to the Metropolitan Board of Works to object to that principle? If so, I shall strongly oppose such Reference. If it is proposed to refer the Bill to a Select Committee for the consideration of details, assuming the principle to have been agreed upon by this House, then I shall have no objection to the course proposed. With regard to the suggestion of my hon. Friend and Colleague the Member for West Bradford (Mr. Illingworth), that the Metropolitan Board of Works should be charged to the original cost of these Parks, or at all events, should not, on the other hand, take the estate which the Government proposed to transfer to the Parks, I cannot agree with him. No doubt, by this Bill we are going to impose a burden of a considerable character upon the Metropolitan Board; but my hon. Friend does not recollect, or does not know, that the City of London does not receive its contribution of half the cost of its police. If the Metropolis had its local government, the same as Provincial towns, that contribution would have to be paid; and the amount would not be far short of the charge we are now imposing. Another question that occurs to me is, whether this would not be a good opportunity for handing over to the Metropolitan Board that very inconvenient property—Brompton Cemetery. It is obvious that the income of that cemetery will drop through before long, and some authority ought to be in a position to buy land to replace it when it is filled. I cannot but think that this would be a good opportunity for settling the question on a more satisfactory basis.

MR. KIMBER (Wandsworth): I wish to ask whether it would be competent for the Committee, if appointed, to take into consideration the excising from the Schedule of any of the Parks, or the adding of parks which are not included in the Schedule? The constituency which I represent includes Wimbledon Common, an open space dedicated to the public at large; but the expense of maintaining which is borne entirely by the district of which it is a part. If this Bill is passed in the form in which it is proposed, it will have the effect of throwing upon my constituency a portion of the maintenance of the parks scheduled, in addition to the burden we now have to bear in respect of Wimbledon Common. It seems to me that we have an equitable right to set off the special burdens already imposed upon us by legislation affecting the Common against the charge which the Bill would throw upon us in regard to the Parks generally, and if we are not to be admitted before the Committee to raise this case, I shall feel it my duty to oppose the measure. The Bill has taken its rise from an objection urged in the time of the late Government to two or three Votes for the expense of the maintenance of these Parks; and it seems to me that when it is committed, powers ought to be given to the Committee for the consideration of special circumstances affecting any particular part of the Metropolis.

Mr. HENRY H. FOWLER (Wolverhampton, E.): I think the hon. Gentleman who has just sat down (Mr. Kimber) and the hon. Gentleman the Member for North Kensington (Sir Roper Lethbridge) are not quite accurate in their historical recollection of this question. They assumed that when the question was raised in Parliament in 1885, that was the first occasion on which this matter had been raised, and that it was the decision of that evening which has produced this change of policy on the part of the Government. It was nothing of the sort. This question has been raised for many years in the House of Commons on the Estimates, and there has been a growing feeling year after year that the time has arrived when London ought to defray the cost of its own Parks in the same manner as Liverpool, Manchester, and the other large towns of the Kingdom defray the cost of their Parks. The question was not decided on a snatch Division. I was responsible for the Vote on that occasion, and I believe it was one of the largest Divisions that has ever taken place in Supply. Moreover, the feeling in the House was so strong, that they not only rejected the Votes for the ordinary London Parks, but attempted to put pressure on the Government in the same way in reference to the Royal Parks. It was impossible to assent to the rejection of the Vote for the Royal Parks, as that would have been a breach of the contract made with Her Majesty when she ascended the Throne; but the Government only obtained the Vote on the distinct pledge that the cost of what might be called the London Parks proper should be thrown upon the ratepayers of London. London is not only the wealthiest city in this Empire, but one of the lowest rated. The burden proposed to be put on the Metropolitan Board of Works is one-sixth of a penny. Now, I ask any hon. Gentleman who represent English, or Scotch, or Irish municipalities if they know of any Park which is kept up at a cost of one-sixth of a penny? I think the proposition of the Government is fair and just, and I think the good sense of the Metropolitan Members will cause them to see that the time has come when this burden should be put upon the proper shoulders. I agree that there are matters of detail connected with the Bill which a Select Committee is the proper tribunal to deal with, and I would go further and say that the position of the Battersea Debt and Estate is also a question for the Committee; but I object strongly to the question of public policy involved in the Preamble of the Bill being referred to a Select Committee of five Members. That is a question of Government policy. Two administrations have now declared in this House that the time has arrived for transferring the cost of these Parks from the State to the Metropolis; and it should be distinctly understood that in assenting to this Motion for a Select Committee we are only assenting to the reference to the Committee of the details by which this scheme can be carried out.

Mr. BARTLEY (Islington, N.): The position in which we stand in the North of London is that we are farther from the Parks than most people. I look, however, upon the maintenance of the

Parks as a matter of local taxation, and I think London is rich enough to pay for its own Parks. At the present time, when all parts of the country are overburdened with taxation, we in London should set the example to other districts of bearing our own burdens in the way proposed by the Bill.

MR. LABOUCHERE (Northampton): I suppose it will be made quite clear that the question of principle in regard to the Bill will not be raised before the Select Committee. I should also like to know whether the Board of Works will be entitled to appear by counsel before the Committee as well as the right hon. Gentleman the Chairman of the Board (Sir James M'Garel-Hogg), who, I presume, would be represented by counsel as the promoter of the Bill. With regard to the Bill itself, I think it is a fair and legitimate compromise; and if the Metropolitan Members look into it they will see that they will do well to accept it in its entirety instead of raising points, because they must remember that points may also be raised on the other side. It has been suggested that the Committee should have power to strike out any of the Parks included in the Schedule. If that was the case, power should also be given to insert Parks. I presume this would be done.

CAPTAIN COLOMB (Tower Hamlets, Bow, &c.): I wish to point to one defect in this Bill, and I should like to have some assurance that the matter will be dealt with by the Committee. The case to which I allude is that of Victoria Park, in the East of London. Victoria Park was created a Royal Park, and made over to the Crown in 1841. I will read a few words from the Act of that year relating to the subject, because they are important as showing that this was intended to be a Royal Park for ever—

> "And such lands and hereditaments, when purchased, to be conveyed and assured to Her Majesty, her heirs and successors, and when so conveyed, shall if ever thereafter be taken to be a Royal Park, by the name of 'Victoria Park,' and part and parcel of the possessions and land revenues of Her Majesty in right of the Crown; and all laws, provisions, and regulations now in force or hereafter to be in force with respect to Royal Parks, shall be taken to extend and apply to such Park, except that Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings of the time being, may in such manner as by law is provided with regard to the hereditary revenues of the Crown (not being Royal Parks, lease any part of the said Royal Park, &c."

That raises a very material point. I cannot myself perceive on what ground a Royal Park in the industrial portion of London is to be transferred to the rates, and I should like some assurance from the right hon. Gentleman the First Commissioner of Works (Mr. Plunket) that this is a subject which requires some investigation at the hands of the Committee, and that the Committee will have powers to deal with the point. I should not raise the question, but there is a very strong, and I think, justifiably strong feeling, that it is wrong to throw upon the ratepayers the cost of maintaining this Royal Park in a crowded part of London, while three Royal Parks in other and wealthier parts of London are chargeable on the Imperial Exchequer.

MR. HENEAGE (Great Grimsby): I hope that we shall have an answer to the question which has been asked by my hon. and gallant Friend. There seems to be no difficulty with regard to the second reading. What we want to know is the scope of the reference to the Select Committee. The right hon. Gentleman opposite appears to acquiesce in the proposal of the Chairman of the Metropolitan Board of Works (Sir James M'Garel-Hogg); but if I construe this Reference correctly, it means that all Petitions are to be heard against the Bill, but none in its favour. If they may be heard against the Bill, I suppose they may be heard against any part of it or against the principle. Does the Government accept the Amendment on the Paper?

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): The right hon. Gentleman must know that when a Bill is referred to a Select Committee of this kind it is referred without restriction. The Select Committee will, no doubt, have the power, if it chooses to exercise it, to recommend the House to pass the Bill, or reject it, or to alter or amend it. But, of course, the whole matter will be in the discretion of the House. Four Members of the Select Committee will be nominated by the House and three by the Committee of Selection. There are thus to be seven Members in all. The House, therefore, in the first place, has a control over the appointment of the Committee, and can take care that it fairly represents the general opinion of the House. The opinion of the Government is that as the House has accepted the second reading it has approved of the principle of the Bill; but I may further remind the House that if the Committee were to take the course which has been suggested, and which would be most unusual, the House would have full power to deal with the Bill when it came back from the Committee. The House is not going to part with any of its powers. It has affirmed a principle, and the Government intend to stand by the principle. I hope, therefore, the Motion for the second reading will be agreed to. My hon. and gallant Friend spoke about Victoria Park being a Royal Park. Well, it is not a Royal Park in the sense in which the other Parks which are known by that title are Royal Parks. The other Royal Parks are parks that at certain times were exchanged for Royal property. Victoria Park is not in that position, and, therefore, I do not think that my hon. and gallant Friend will consider that it is at all in the same category as the other Royal Parks.

MR. LAWSON (St. Pancras, W.): I should only like to say one word on behalf of the Metropolitan Members on this side of the House. We most readily assent to the second reading, subject to the conditions of reference agreed to by the Government. As to the statement made by the hon. Member for Northampton (Mr. Labouchere), that in a sense the ratepayers of London are receiving a present of the capital expended on these Parks, that is only true to a very limited extent, and on the understanding that we had actually no voice in the spending of the money. We did not have even the slight and indirect control which we are able to exercise over the Metropolitan Board of Works.

MR. ISAACS (Newington, Walworth): Will the hon. Gentleman the Secretary to the Treasury (Mr. Jackson) kindly say whether the Committee will have power to enlarge the number of properties mentioned in the Bill, or to omit any from the list?

MR. JACKSON: As I understand the matter, the Committee will have no power to introduce into the Bill any other properties than those now mentioned in it, except on a special Instruction given by the House.

MR. KIMBER: Under those circumstances, Mr. Speaker, I should like to ask for your direction as to whether, assuming that the ratepayers of Wandsworth wish to place their case before the Committee on the Bill, their *locus standi* could be objected to? I understand the hon. Gentleman the Secretary to the Treasury to intimate that he does not know, and I should like to hear from the Chairman of Committees (Mr. Courtney) whether a Petition from them to the Select Committee would hold good? I only wish my constituents to be heard. I assent to the principle of the Bill, which, I admit, is reasonable; but I say that we in Wandsworth have an equitable claim.

MR. SPEAKER: In reply to the hon. Member's question, I can only say that the Committee will, of course, decide its own *locus standi.*

MR. KIMBER: Then do I understand that to make it clear I ought to move a special Instruction to the Committee?

MR. SPEAKER: It would be most unusual to fetter the Committee with an Instruction in the sense which the hon. Member refers to. It would be utterly without example.

MR. KIMBER: I am afraid I have not made myself understood. I wish in no case to object to the Preamble of the Bill. I only desire to get a hearing. I do not wish to fetter the Committee.

MR. COURTNEY (Cornwall, Bodmin): I would advise the hon. Member not to persevere with his intention. This is a Bill to settle relations between the Government and the Metropolis. The question the hon. Gentleman wishes to raise is really foreign to this Bill altogether.

Question put, and *agreed to.*

Bill read a second time, and *committed* to a Select Committee of Seven Members, Four to be nominated by the House and Three by the Committee of Selection.

Ordered, That all Petitions against the Bill, presented two clear days before the meeting of the Committee, be referred to the Committee that the Petitioners praying to be heard by themselves, their Counsel, or Agents, be heard against the Bill, and Counsel heard in support of the Bill.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Three be the quorum,

FIRST OFFENDERS (*re-committed*) BILL.—[Bill 189.]

(*Mr. Howard Vincent, Lord Randolph Spencer Churchill, Sir Henry Selwin-Ibbetson, Mr. Hoare, Mr. Addison, Mr. Hastings, Mr. Lawson, Mr. Molloy.*)

COMMITTEE. [*Progress* 10*th May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Power to court to release upon probation of good conduct instead of sentencing to imprisonment) *agreed to.*

On the Motion of Mr. HOWARD VINCENT (Sheffield, Central), the following Clauses were inserted after Clause 1:—

(Provision in case of offender failing to observe conditions of his recognizances.)

"(1.) If a court, having power to deal with the offender in respect of his original offence, or any court of summary jurisdiction is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

"(2.) An offender, when apprehended on any such warrant, shall, if not brought forthwith before the court having power to sentence him, be brought before a court of summary jurisdiction, and that court may either remand him by warrant until the time at which he was required by his recognizance to appear for judgment, or until the sitting of a court having power to deal with his original offence, or may admit him to bail with a sufficient surety conditioned on his appearing for judgment.

"(3.) The offender when so remanded may be committed to a prison, either for the county or place in or for which the court remanding him acts or for the county or place where he is bound to appear for judgment, and the warrant of remand shall order the gaoler to bring him before the court before which he was bound to appear for judgment, or to answer as to his conduct since his release.

(Conditions as to abode of the offender.)

"The court, before directing the release of an offender under this Act, shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the county or place for which the court acts, or in which the offender is likely to live during the period named for the observance of the conditions."

(Power to vary conditions.)

"The court having power to sentence an offender released under this Act may, on his application at any time during the period of probation, vary the conditions of his release by substituting another authority for the authority first named or otherwise, as the case may require."

MR. CHANCE (Kilkenny, S.): I beg to move the following new clause:—

(Act not to apply to Ireland.)

"This Act shall not apply to Ireland."

New Clause *brought up* (*Mr. Chance*), and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. HOWARD VINCENT: I shall not oppose the hon. Member's proposal, although I regret it.

Question put, and *agreed to.*

Clause *added* to the Bill.

MR. CHANCE: I beg to propose the adoption of the new clause of which Notice has been given by my hon. Friend the Member for North Longford (Mr. T. M. Healy), as follows:—

(Duration of Act.)

"This Act shall remain in force until the thirty-first day of December one thousand eight hundred and eighty-eight, and no longer."

We look upon this Bill as a very curious innovation. Its principle is not very clear, and I am afraid that some of its provisions will be found to be distinctly dangerous. But, of course, as it has been decided that the measure shall not apply to Ireland, I will not press this clause if it is the general sense of the Committee that it ought to be a permanent Act, although I myself do not think that it ought to be permanent.

New Clause—

(Duration of Act.)

"This Act shall remain in force until the thirty-first day of December one thousand eight hundred and eighty-eight, and no longer,"—(*Mr. Chance,*)

—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. HOWARD VINCENT: I hope the hon. Member will not press this Amendment. To limit the duration of the Bill in this manner would be altogether to divest the measure of its utility. The Bill has been very carefully considered. It was before the last Parliament; it has been under the consideration of the Home Secretary (Mr. Matthews); and it has been drafted by the Government draftsman. I trust the hon. Member will withdraw his proposal.

MR. MOLLOY (King's Co., Birr): As one of those whose names appear on the back of the Bill, I also hope that the proposed new clause will not be added to the Bill.

Mr. F. S. POWELL (Wigan): I hope that this Amendment will not be agreed to. I am not myself aware of any Bill which has only had an operation of one year. To insert the clause would be to create an entirely new precedent. This is a Bill which can only be tested by experience and practice, and it is quite impossible to test anything thoroughly by experience and practice in the course of 12 months.

Mr. CHANCE: As the opinion of the English Members seems to be against the Amendment I will not press it. It seems to me, however, that it will be a curious matter if any first offender is subjected to a longer period of probation than one year. At the same time, after the intimation that has been given to me of the feeling of the Committee I must ask leave to withdraw the clause.

Motion, by leave, *withdrawn.*

Preamble *agreed to.*

Bill *reported;* as amended, to be considered upon *Monday* next.

MUNICIPAL CORPORATIONS ACTS (IRELAND) AMENDMENT (No. 2) BILL.—[Bill 176.]

(*Sir James Corry, Mr. Ewart, Mr. Johnston.*)

COMMITTEE. [*Progress 19th May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title).

Amendment proposed, in page 1, lines 5 and 6, leave out "Municipal Corporations (Ireland) Act Amendment," and insert "Municipal Corporation of Belfast."—(*Sir James Corry.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. SEXTON (Belfast, W.): After what happened to-day it would be of no use to oppose the Amendment. After the declaration made on behalf of the Government, there is no choice between having a Bill confined to Belfast or no Bill at all. That being so, I do not think I am entitled, as a Belfast Member, to do anything to prejudice this reform. I shall, therefore, not oppose the Amendment.

Question put, and *negatived.*

Words *inserted.*

Clause, as amended, *agreed to*,

Clause 2 (Commencement).

Mr. SEXTON: I beg to move that Clause 2 be omitted. I am greatly astonished that the hon. Baronet (Sir James Corry) who is in charge of the Bill has not moved the Amendment himself. The clause provides that the Bill shall commence to take effect on the 31st of December, 1887. Now, after the passing of the last Amendment the Bill has become special, and the Bill is urgent. The Bill is special because it now applies to Belfast alone. The Corporation of Belfast is a Corporation which is composed of one class with one creed. The Bill is urgent because another measure will soon pass into law which will place on the town a very heavy burden. Supposing this Bill passes into law this Session, and this clause remains unaltered, the new franchise will not come into play until next year. It will not be until November, 1888, that the ratepayers under the new franchise will be entitled to elect one-third of the Council. They will not be able to elect a second third until 1889, and it will not be until 1890 that the whole of the present Members may have been displaced. I appeal, then, to the Committee not to give with one hand and to take away with the other. In an ordinary measure it is provided that the Act shall come into force as soon as it passes into law. I think the Committee will see that this clause ought to come out, and that the Bill ought to come into force in the present year.

Amendment proposed, to leave out Clause 2.—(*Mr. Sexton.*)

Question proposed, "That the Clause stand part of the Bill."

Sir JAMES CORRY (Armagh, Mid): The object of this clause was to give time for the registration, which will be very heavy, and to bring the Bill into operation next year. I have, however, no objection whatever to the measure coming into operation as soon as it is passed.

Question put, and *negatived.*

Clause *struck out.*

Clause 3 (Amendment of Section 30 of the Municipal Corporations Act).

On the Motion of Sir James Corry, Amendments made, in page 1, line 13, by leaving out "as required," and inserting "(hereinafter called the principal Act) as requires;" page 1, lines 16 and 17, by leaving out "several boroughs named in Schedule A to said Act annexed," and inserting "municipal borough of Belfast."

Mr. SEXTON (Belfast, W.): I beg to move the Amendment which stands in my name—In page 1, line 20, to leave out "last day of August," and insert "twentieth day of July." The qualifying date in respect of the municipal franchise will, under this Bill, be the last day of August. The qualifying date in respect of the Parliamentary franchise is the 20th of July. I suppose that under this Bill there will be about 25,000 voters; and I have received many letters from Belfast respecting the trouble and expense which will be entailed by having two registrations of voters. Unless my Amendment is agreed to, there will have to be two attendances before the Revising Barrister—once in respect of the Parliamentary, and once in respect of the municipal franchise. I am acting in obedience to representations which have been made to me; and I say that for the two qualifications only one attendance ought to be necessary.

Amendment proposed, in page 1, line 20, to leave out "last day of August," and insert "twentieth day of July."—(*Mr. Sexton.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Sir JAMES CORRY (Armagh, Mid): This is an Amendment which I really cannot accept. The Bill was drawn on the same lines as the English Corporations Act; and the 31st of August is the date there given. It would be most inconvenient that the revision should take place on the day mentioned by the hon. Member, because the Parliamentary franchise and the municipal franchise do not correspond at all. It would be perfectly impossible for the two revisions to go on at the same time. We have a new element introduced into the municipal franchise by this Bill, because it allows women to vote. On the other hand, there is no lodger franchise, and no service franchise, in regard to the municipal elections. It would, therefore, be most inconvenient for the two registrations to go on at the same time. I, therefore, cannot accept the Amendment.

Mr. CHANCE (Kilkenny, S.): May I point out to my hon. Friend the Member for West Belfast (Mr. Sexton) that he has hardly put forward the full strength of his case, because the hon. Baronet who is in charge of the Bill has introduced into the section a technical expression, which is only to be found in Parliamentary Franchise Acts. The effect of adopting the 20th of July as the date at which the revision should take place would be that the authorities who make up the list of municipal voters would have all the advantage of being able to utilize the list already made up for the Parliamentary franchise. It would reduce their work 60 per cent, and no practical disadvantage would result. On the other hand, the very greatest expense and trouble will be caused by adopting a provision which is absolutely unknown in any franchise. The matter is merely one of utility and advantage.

Mr. SEXTON: The remarks made by the hon. Baronet the Member for Mid Armagh (Sir James Corry) were entirely irrelevant. He says that some of the voters under the municipal franchise will be women. I really do not see what difference that makes. The qualifications of Parliamentary and municipal voters will be practically identical in Belfast, and one inspection will do for both. The two Courts would sit at the same time, and one Inspector will be able to attend both. I may say that my proposal is much more to the advantage of the hon. Baronet's friends than it is to our advantage, because we shall always be a small minority in Belfast. As far as I see at present I must press the Amendment.

Question put.

The Committee *divided*:—Ayes 76; Noes 81: Majority 5. — (Div. List, No. 167.)

Clause, as amended, *agreed to.*

Clause 4 (Provisions of Act not to affect existing burgess roll) *agreed to.*

Clause 5 (Repeal of provisions of Municipal Corporations (Ireland) Act as to election of aldermen).

Mr. SEXTON: I beg to move the omission of this clause. The hon. Baronet will confess that, while this might be permissible to a general Bill, it has no place in a Bill applicable solely to the borough of Belfast. This clause proposes to remove the election of aldermen from the burgesses and hand it over to the Council, and this is the only borough which is selected for the change. I am aware that it is the law in England; but we do not like it, and do not want it. The effect of its operation would be to elect aldermen all of the same class, as it gives the election of 10 aldermen every year into the hands of the 30 Councillors. I hope the hon. Baronet will consent to withdraw the clause.

Amendment proposed, to leave out Clause 5.—(*Mr. Sexton.*)

Question proposed, "That the Clause proposed to be left out stand part of the Bill."

MR. T. W. RUSSELL (Tyrone, S.): I hope the hon. Baronet will not press this clause. It seems to me that it is a disfranchising, not an enfranchising clause. In Dublin and other boroughs the burgesses elect the aldermen, and I do not see why we should depart from the ordinary rule.

SIR JAMES CORRY: I have taken the clause, precisely as it stands, from the English Act, as I think, in a matter of this kind, we should assimilate the law of the two countries. I must insist upon the clause being retained.

MR. CHANCE: I trust the clause will not be retained, for it is introducing an absolutely new principle into the municipal franchise in Ireland. By the Bill you are proposing to give an extension of the municipal franchise, but by this clause you are taking it away; so that you are giving an extension of the franchise with the one hand and taking it away with the other. There is no reason whatever why this Bill should be used as a vehicle to import a new disfranchisement. I know that the English law has it; but it is a distinct disadvantage as compared with the Irish law. Originally this Bill was intended to apply to the whole of Ireland, and if we import into this the English law it will result in this—that when afterwards the Act is extended to the whole of Ireland this will be quoted as a precedent why we should apply it to the whole of Ireland. This is no Party matter. We desire to give to the Orange people of Belfast the government of their own town as far as municipal franchise is concerned, and we will be no party to imposing upon these people a new and special disability never yet known to the law of Ireland.

MR. EWART (Belfast, N.): As a Bill dealing with the local government of Ireland will be introduced next year, I think it would be a pity to impose, in the meantime, a charge of this sort upon one borough.

MR. F. S. POWELL (Wigan): I only wish to make one remark upon this and the three following clauses. I have, in connection with a Committee upstairs, recently studied the Municipal Corporations Act, 1882, and can trace but small relationship with the sections of that Act and these clauses proposed to be introduced into this Bill. I think these are not clauses fit to be introduced into an Act of Parliament. They are skeleton clauses, and on that ground alone, if on no other, I should object to them.

SIR JAMES CORRY: I could not accept the Motion without consulting my friends; and I beg to move, Sir, that you do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir James Corry.*)

MR. T. M. HEALY (Longford, N.): I was not in the House, unfortunately, when this Bill went into Committee, otherwise I should have objected; but I now give the hon. Baronet warning that, having this lucky chance of getting his Bill, if he reports Progress to-night this is the last opportunity he will get.

MR. CHANCE: I hope the Committee will not allow the Motion to succeed. A large number of Members have stayed here at great inconvenience to do justice even to a small portion of Ireland, and I trust their efforts will not be frustrated.

MR. T. W. RUSSELL: I hope the hon. Member for Mid Armagh will not press the Motion. Undoubtedly the clause ought not to be introduced into a Bill of this kind.

SIR JAMES CORRY: I beg leave to withdraw the Motion.

Motion, by leave, *withdrawn.*

Question put, and *negatived.*

Clause *struck out.*

Clauses 6, 7, and 8 *struck out.*

New Clause (Application of Act), "The Act shall apply only to the borough of Belfast,"—(*Sir James Corry,*) —*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

Mr. T. M. HEALY: In consequence of what occurred this afternoon I am obliged to take a Division against this clause, restricting the application of the Act to the borough of Belfast.

Mr. SEXTON: I am compelled to oppose the adoption of this new clause.

Question put.

The Committee *divided*:—Ayes 114; Noes 20: Majority 94.—(Div. List, No. 168.)

Clause *added* to the Bill.

Mr. SEXTON: I beg to move the insertion of a new clause, which is really consequential upon Clause 2. By Clause 2 the Bill will come into active operation immediately; and, therefore, the new franchise could be applied to the Register for the present year, instead of being delayed until the 8th of December, after the elections have been closed. The proposal I lay before the Committee is this. Having increased the number of burgesses from 5,000 to 25,000, you have no right to say that the 20,000 shall be left without the exercise of the voting power until November of next year; you have a right to admit them immediately to the exercise of this power, and more especially as there is a necessity of entering into contracts with respect to the main drainage scheme. Unless this clause is adopted the present Corporation, elected by a small body of persons, will, in the meantime, have entered into the contracts. I quote the Dublin Bill of 1849 as a precedent for the course I have taken. In the year 1849 the municipal franchise was extended to Dublin, and the House of Commons of that day, taking a common-sense view of the matter, allowed the ratepayers the exercise of the powers immediately the Bill was passed, whereby there was a full election. I ask that that precedent shall be now followed.

New Clause—

(First Election of New Council.)

"At the date of the ordinary annual municipal elections for the borough of Belfast, occurring next after the passing of this Act, every seat in the Municipal Council of Belfast shall become vacant, as if the period of occupancy prescribed by Law had expired, and there shall be on the said date a new election for any seat in the said Council,"—(*Mr. Sexton,*)

—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

Sir JAMES CORRY: I must oppose the introduction of this clause into the Bill, as its adoption, in my opinion, would be likely to be very serious indeed. I think it would be much better that a number of the members of the old Corporation should remain for some time as members, certainly until the drainage scheme is properly carried out. I think it would be most unfortunate were this clause to be adopted, and I must strongly oppose it.

Mr. ILLINGWORTH (Bradford, W.): I think the remarks of the hon. Baronet are the strongest condemnation of the contention of the opponents of the proposal—namely, that if the electors had this power they would not have confidence in the old Corporation. Well, Sir, if it be that the Belfast Corporation is about to proceed to an enormous contract, saddling the town of Belfast with £500,000, I am quite sure the proposal of the hon. Member for West Belfast is the one the Committee would follow. It would be contrary to all precedent that there should be any unnecessary delay in allowing the electorate to come into the exercise of their new powers at once.

Mr. DE COBAIN (Belfast, E.): It appears to me not to accept this proposal would place the Corporation of Belfast in a very awkward position. Two-thirds of the Corporation would thus represent about 6,000 ratepapers, and the remaining one-third would represent a very largely increased constituency of, say, 40,000 ratepayers, as women householders under this Bill have votes. By the hon. Baronet's contention the two-thirds, representing 6,000 people, would have double the voting power and control of those who represented an electorate of 40,000 voters or upwards. I think that would be entirely unprecedented. I certainly hope the hon. Baronet the Member for Mid Armagh will see his way to accept this clause. It seems to me that it would only be just and fair that the new electorate that is constituted should be brought into play at once, so that the new Corporation may represent the opinion of the entire town.

Mr. EWART: I am very strongly opposed indeed to this clause, as I think to have an election next November for an entire new Town Council would lead to a deal of disturbance and confusion, and that in the present state of Belfast it would be highly undesirable. If this clause is adopted I think very many of the old Corporation would seize the opportunity of retiring from the duties, and I think the Council would be very much injured in consequence. It appears to me a very unwise thing to do. Politically speaking, it would not make any difference; but it would create a great deal of inconvenience locally.

Mr. CHANCE: It will be in the recollection of the Committee that upon two occasions or more the proceedings in Committee upon the Belfast Main Drainage Bill have been postponed expressly on account that no money should be spent upon that scheme until the people of Belfast had an effective control over their local affairs. After these decisions, the Committee of the House would stultify itself if it decided that while the Main Drainage Bill is passed, and a large amount of money spent at once, the people of Belfast shall have no control over their affairs for two years. Either this clause must be inserted, or all action under the Drainage Bill must be suspended for two years, for we have positively decided that not a penny shall be spent until the representatives of the extended franchise have control.

Mr. F. S. POWELL: There is one question I should like to ask the hon. Member for West Belfast. What is the effect of this clause? Is it intended to have an entirely new Council at the expiration of the annual term, and is it intended that part of the new Council shall go out after a short interval, another after a longer term, and the third after a still longer interval, or, again, that all the members always go out at the time?

Mr. CHANCE: The original Municipal Act is adhered to with the new franchise. The machinery of the old Act will be applied; the retirement of the Council will be as before—simply the extension of the franchise will apply at once.

Motion *agreed to.*

Clause *added* to the Bill.

Mr. CHANCE: As a consequence of the adoption of this Amendment, we have to provide for a person to preside at these elections. The old Act provides that an alderman or councillor shall preside; but, every seat being declared vacant, there would be no person qualified to preside. I will therefore move that the person who, under the present law, would fill the post, shall do so under the altered circumstances.

Amendment proposed,

To add to the new Clause—"Provided always that the person who by law would be bound to preside at the next election if this Act were not passed shall nevertheless preside at such election."—(*Mr. Chance.*)

Amendment *agreed to.*

The CHAIRMAN: The next clause standing in the name of the hon. Member for West Belfast—in reference to the suspension of the main drainage scheme—cannot, as I have already mentioned, be moved in Committee.

Mr. SEXTON: I beg to say that I shall move it on the consideration of Report.

Bill *reported.*

Motion made, and Question proposed, "That the Bill be taken into Consideration, as amended, on Monday 6th June."—(*Sir James Corry.*)

Mr. SEXTON: I would ask the hon. Baronet to fix that stage for Monday next. The Main Drainage Bill, as he is aware, is hung up until June 20, to allow this Bill to pass; and with the Whitsuntide holidays intervening, there is not much time to allow of the Bill being sent up to "another place." I must move that the Report be taken on Monday next.

Amendment proposed, to leave out the words "6th June," and add the word "next."—(*Mr. Sexton.*)

Question proposed, "That the words '6th June' stand part of the Question."

Sir JAMES CORRY: June 6 will be more convenient. I have made arrangements that will not allow me to be in my place on Monday.

Mr. CHANCE: We will move it then.

Mr. SEXTON: I must move for Monday next; the question is urgent.

Sir JAMES CORRY: I think I can undertake to say the Bill will not be delayed in the House of Lords.

Question put, and *negatived.*

Question, "That the word 'next' be there added," put, and *agreed to.*

Main Question, as amended, put.

Bill, as amended, to be taken into Consideration upon *Monday* next.

DEEDS OF ARRANGEMENT REGISTRATION BILL.—[Bill 231.]

(*Sir Albert Rollit, Sir Bernhard Samuelson, Mr. Howard Vincent, Sir John Lubbock, Mr. Coddington, Mr. Lawson.*)

COMMITTEE. [*Progress* 13*th May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title) *agreed to.*

Clause 2 (Extent of Act).

Mr. MAURICE HEALY (Cork): So far as I can judge this is an admirable Bill; but I cannot see why its promoters should wish to restrict its application to England. I see no reason whatever why it should not apply to Ireland, and, therefore, I beg to move the omission of the words "or Ireland."

Amendment proposed, line 11, to leave out the words "or Ireland."—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Sir ALBERT ROLLIT (Islington, S.): I welcome that Amendment.

Question put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 3 (Commencement of Act) *agreed to.*

Clause 4 *struck out.*

Clause 5 (Avoidance of unregistered deeds of arrangement).

Mr. CHANCE (Kilkenny, S.): In line 21 I move the second of my Amendments, to omit the word "immediately."

The CHAIRMAN: The hon. Member has no Amendment on the Paper.

Mr. CHANCE: But I move it, Sir. It is an Amendment I understand the promoters agree to, substituting the "words within a week after the execution thereof" for the word "immediately."

Amendment proposed, to omit the word "immediately," and insert the words "within one week." — (*Mr. Chance.*)

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 6 (Mode of registration).

On the Motion of The Solicitor General (Sir Edward Clarke), Amendment made, in page 2, line 29, after "affidavit," by leaving out "of" and inserting "verifying."

Clause, as amended, *agreed to.*

Clause 7 (Form of register) *agreed to.*

Clause 8 (The registrar, and the office for registration).

On the Motion of The Solicitor General, Amendment made, in page 3, line 6, by leaving out "attached to the Queen's Bench Division of the High Court of Justice."

On the Motion of Mr. Chance, Amendment made, in line 7, after "shall" by inserting "and the Registrar of Bills of Sale in Ireland shall."

Amendment proposed,

In line 11, after the words "in England shall," insert "and the Bill of Sale officer in the Queen's Bench Division of the High Court of Justice in Ireland shall."—(*Mr. Chance.*)

Question proposed, "That those words be there inserted."

The SOLICITOR GENERAL (Sir Edward Clarke) (Plymouth): Before this Amendment is adopted and further progress made, I should like to have it clearly stated whether these Amendments have been agreed to by the Attorneys General for England and Ireland. So far as I am aware, no such agreement has been come to. I am not in a position to say how far these Amendments are consequential upon the extension of the Bill to Ireland; but if they have been agreed upon I make no further objection. But, at the same time, I think that opportunity should be given that their full effect may be considered.

Sir ALBERT ROLLIT: The principle of applying the Bill to Ireland was distinctly agreed upon; but upon these Amendments, which we feel were consequential upon the general agreement—these particular words—I cannot say there was an agreement. But ample time will be allowed for their consideration before Report.

Mr. CHANCE: They are consequential Amendments, and can be dealt with on Report. I trust there may be no factious opposition at this stage.

SIR EDWARD CLARKE: It is a serious matter to go on inserting Amendments which have not been considered and agreed upon by anyone responsible on this Bench for the conduct of such Business as this. We have introduced Amendments to this section—for instance, the authority is mentioned for registering in Ireland; it may be the proper authority, but I am not in a position to discuss the question now, nor, so far as I know, is any Member of the Government present in a position to make himself acquainted with the effect of the alterations suggested by the hon. Member for South Islington (Sir Albert Rollit). We have got to a stage, I think, when we might report Progress, and it would be very much better to put these Amendments on the Paper, that they may be considered before we go on further with the clauses.

MR. CHANCE: Of course, I am in the hands of the Committee; but these are purely consequential Amendments, and reasonable objection cannot be taken to them. But, if necessary, I am willing to reserve my Amendments for Report. I did not think there would be the slightest objection, and I consulted with the hon. Member who brought in the Bill, and who knows the subject thoroughly. I do not wish to prevent Progress being made with the Bill, and if I am pressed —unreasonably pressed—I must yield, and insert the Amendments on Report.

SIR ALBERT ROLLIT: I hope there will be no unreasonable objection to our going on. I have satisfied myself of the propriety of the Amendments as consequent upon the extension of the Bill to Ireland; and I have no doubt they will be approved by the Attorney General, who has given me material assistance in shaping the measure. I hope the Solicitor General will see his way to allowing us to proceed.

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.): I do not think there is any desire on the part of anybody to raise factious opposition to the Bill; but I am sure the hon. Member will agree that, inasmuch as the matter is one particularly for the consideration of the Attorney General, who has not seen the Amendments, and that we have no knowledge—certainly I have no knowledge—of the effect of the alterations, and that the ultimate progress of the Bill will not be retarded, it will be better to report Progress now, and the Attorney General will have an opportunity of seeing the Amendments before they are inserted.

MR. CHANCE: I presume, if Amendments of any considerable nature were made on Report, the third reading could not be taken on the same evening, and, therefore, there can be no object in finishing the Committee to-night. At the same time, I would say that, having settled that Ireland is to be included, we should stultify ourselves and make absolute nonsense of the section if we introduced provisions that could not apply to Ireland. I agree to reporting Progress now it will not make any real difference.

Committee report Progress; to sit again upon *Monday* next.

MOTIONS.

—o—

LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 4) BILL.

On Motion of Mr. Long, Bill to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Buxton, the Borough of Halifax, and the Local Government Districts of Otley, Southwick, and Sowerby Bridge, *ordered* to be brought in by Mr. Long and Mr. Ritchie.

Bill *presented*, and read the first time. [Bill 269.]

CONVEYANCING (SCOTLAND) ACTS AMENDMENT BILL.

On Motion of The Lord Advocate, Bill to amend "The Conveyancing (Scotland) Act, 1874," and "The Conveyancing (Scotland) Act (1874) Amendment Act, 1879," *ordered* to be brought in by The Lord Advocate and Mr. Solicitor General for Scotland.

Bill *presented*, and read the first time. [Bill 270.]

BUTTER SUBSTITUTES BILL (SELECT COMMITTEE).

Ordered, That it be an Instruction to the Select Committee on the Butter Substitutes Bill, that they have power to consolidate the Butter Substitutes Bill and the Oleomargarine (Fraudulent Sale) Bill into one Bill.—(*Mr. Sclater-Booth.*)

FORESTRY.

Select Committee on Forestry *nominated* of,—Mr. C. Acland, Mr. Biddulph, Mr. Craig Sellar, Mr. Evelyn, Dr. Farquharson, Mr. Farquharson, Mr. Munro Ferguson, Mr. Fuller Maitland, Mr. Gilhooly, Mr. Egerton Hubbard, Colonel King-Harman, Sir Edmund Lechmere, Sir John

Lubbock, Colonel Nolan, Mr. Rankin, Mr. Mark Stewart, and Sir Richard Temple.—(*Sir Edmund Lechmere.*)

House adjourned at twenty-five minutes after Two o'clock till Monday next.

HOUSE OF LORDS,

Saturday, 21*st May*, 1887.

MINUTES.]—Public Bills—*First Reading—Second Reading—Committee negatived—Third Reading* — Duke of Connaught's Leave *; East India Stock Conversion.*

Provisional Order Bill — *First Reading* — Commons Regulation (Laindon) * (107).

BUSINESS OF THE HOUSE.

Standing Order No. XXXV. *considered*, and *dispensed with* for the remainder of this day's sitting.

DUKE OF CONNAUGHT'S LEAVE BILL.

EAST INDIA STOCK CONVERSION BILL.

Read 1^{a}: Then Standing Order No. XXXV. having been dispensed with for the remainder of this day's sitting, *moved* that the Bills be now read 2^{a}; *agreed to;* Bills read 2^{a} accordingly: Committee *negatived;* Bills read 3^{a}, and *passed.*

House adjourned at a quarter past Four o'clock, to Monday next, a quarter before Four o'clock.

HOUSE OF COMMONS,

Sunday, 22*nd May*, 1887.

This being the day on which the House had Resolved, in Celebration of the Fiftieth Year of Her Majesty's Reign, to attend Divine Service at the Church of St. Margaret, Westminster, Mr. Speaker and the Members assembled in the House, and proceeded thence to the Church, when a Sermon was preached before the House by the Lord Bishop of Ripon.

HOUSE OF LORDS,

Monday, 23*rd May*, 1887.

MINUTES.]—Sat First in Parliament—The Lord Kinnaird, after the death of his father.

Public Bills—*First Reading*—Allotments for Cottagers * (109).

Committee — Tithe Rent - Charge (54-110); Pluralities Act Amendment Act (1885) Amendment * (96), *discharged.*

Committee—Report—Hyde Park Corner (New Streets) (79).

Third Reading—Crofters Holdings (Scotland) * (90); County Courts Consolidation * (78), and *passed.*

Royal Assent—Supreme Court of Judicature (Ireland) [50 *Vict.* c. 6]; Incumbents of Benefices Loans Extension Act (1886) Amendment [50 *Vict.* c. 8]; Customs Consolidation Acts (1876) Amendment [50 *Vict.* c. 7]; Police Force Enfranchisement [50 *Vict.* c. 9]; Duke of Connaught's Leave [50 *Vict.* c. 10]; East India Stock Conversion [50 *Vict.* c. 11].

Provisional Order Bills—*First Reading* — Commons Regulation (Ewer) * (108).

Third Reading — Local Government (Highways) * (87); Local Government (Poor Law) * (88); Local Government (Poor Law) (No. 2) * (89), and *passed.*

Royal Assent—Metropolitan Police Provisional Order [50 *Vict.* c. xxxi.]; Local Government Provisional Orders [50 *Vict.* c. xlix.].

EGYPT—THE RUMOURED ANGLO-TURKISH CONVENTION.

QUESTION.

The Earl of ROSEBERY said, he wished to ask the Prime Minister a Question of which he had given private Notice—namely, Whether he can give the House any information respecting the Convention as to Egypt, said to have been signed between England and the Porte?

The PRIME MINISTER and SECRETARY of STATE for FOREIGN AFFAIRS (The Marquess of Salisbury): I am afraid I am not able to give as much information as I could wish. Late last night, certainly, an agreement was come to which disposed of a good deal of the difference between the Porte and ourselves. How far the agreement went I am unable to say, as the telegrams are somewhat confusing; and I am afraid that if I went into details I might possibly give an inaccurate impression. The negotiations, however, are going on very favourably, and I hope that when Parliament meets after the holidays I shall be able to lay further information before your Lordships.

HYDE PARK CORNER (NEW STREETS) BILL.—(No. 79.)

(*The Lord Henniker.*)

COMMITTEE.

House in Committee (according to Order).

LORD HENNIKER, who had given Notice to move to disagree to the Amendments proposed by the Select Committee on the Bill, said, it was always a rather strong measure to attack the decision of a Committee of the House, particularly such a Committee as sat on this Bill. The Office of Works felt very strongly that it was most important to pass this Bill this Session, and he wished it to be distinctly understood that he in no way wished to say anything against the decision of the Committee, who, no doubt, had decided as they thought right from the evidence placed before them. He, however, made an appeal to the House and to the Members of the Select Committee to allow the Bill to pass on the ground of expediency. The Bill was introduced in 1883, 1884, and 1885. He merely mentioned this to show how long the question had been pending, how much difficulty there had been in dealing with it, and that it seemed to be quite time that some conclusion should be come to on what was, after all, a small matter. It was only necessary for him to say what had happened last Session and this Session. In 1886 the Bill was introduced into the House of Commons, but was altered in Committee, so that the cost of maintaining the roads was thrown on the parish of St. George's, Hanover Square, and the Metropolitan Board of Works in equal parts. When the Bill came to the House of Lords the Committee of this House rejected this proposal. The Bill was accordingly lost. This Session it was again introduced into the House of Commons in exactly the same form in which it left it last Session, and the Committee to which it was referred reversed the decision of last year, and made St. George's, Hanover Square, pay two-thirds of the cost and St. Martin-in-the-Fields one-third. When it came to the House of Lords they reversed last year's decision and altered the Bill, so that St. George's was to pay three-sixths, St. Martin's one-sixth, and the Metropolitan Board of Works two-sixths of the expense. Their Lordships would see that the decisions in each House of last year were exactly reversed this Session. This again showed the great difficulty there had been in coming to a conclusion, and the almost impossibility of coming to a more satisfactory settlement. St. George's had always been ready to pay half the cost; it was much more an improvement for the advantage of that parish than it could possibly be to St. Martin's, and the extra cost thrown on St. George's was so small that he hoped that parish would be ready to pay what was asked of them, rather than allow the question to be hung up indefinitely. Taking a disinterested view of the question, it did not seem fair that a new precedent should be created for the Metropolitan Board of Works, or that parishes like Poplar and others in the Metropolitan area should be asked to maintain an improvement which was of no benefit to them. There was no parallel precedent that he knew of in the history of the Board of Works, except that of the Thames Embankment, where the Board kept the roadway up; but this was a very exceptional case. It was true that the Board paid some part of the cost of the maintenance of Westminster Bridge; but this was not a fair precedent, as the circumstances were different. Their Lordships would have noticed that the Metropolitan Members had met and decided to oppose the Amendments made in their Lordships' House. He supposed the Committee there would not go back from their decision under the circumstances. He, therefore, made a strong appeal to the House to let the Bill go back to the House of Commons as it came from there, and to the Members of the Committee not to press their views, so that the Bill might pass in the form which appeared to be the most acceptable solution of the question which at present had been proposed. His Lordship concluded by moving the rejection of the Amendments proposed.

Moved, "To disagree to the Amendments proposed by the Select Committee on the Bill."—(*The Lord Henniker.*)

THE EARL OF JERSEY said, that as Chairman of and as representing the Select Committee, they had not to consider the question of expediency, but to endeavour to come to a decision on fair and equitable grounds. He did not wish to disregard the appeal made by the Government on the ground of expediency; and on that ground alone, in order that the Bill might be passed this Session and become law, the Committee did not propose to ask their Lordships to insist upon their Amendments.

Motion *agreed to;* Amendments *negatived;* Bill *reported* without Amendment, and to be read 3ª on *Thursday* the *9th of June* next.

TITHE RENT-CHARGE BILL.—(No. 54.)

(*The Marquess of Salisbury.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee upon the said Bill."—(*The Marquess of Salisbury.*)

Lord BRABOURNE said, he must ask the permission of their Lordships to make a few remarks on the general scope and character of the Bill. He must confess that he was rather disappointed on the occasion of the second reading. He came down to the House fully prepared and expecting to hear an exhaustive debate on the principle involved in the Bill, which, he thought, the importance of the subject deserved. The House was well filled, and several Members of the Episcopal Bench were present; but, to his surprise, the Prime Minister moved the second reading of the Bill without a word of comment, the Question was promptly put from the Chair, and that stage of the Bill was passed with a celerity which, he humbly submitted, was hardly respectful to the great interests which were involved. It was under these circumstances that he humbly craved the indulgence of their Lordships, and he did so for a special reason. It appeared to him that this Bill touched the fringe of a great question, and touched it in such a manner as would infallibly cause it to be brought prominently before the public in a manner not contemplated by the framers of the Bill. In his introductory speech the Prime Minister told their Lordships that the Bill related to a subject which had recently attracted considerable attention — namely, the incidence and the mode of collection of tithe. But why had this question attracted considerable interest? Because the unusual and long-continued depression which had fallen on the agricultural community had caused tithe rent-charges to be collected with less facility than heretofore, and because, also, whereas the tithe rent-charge at the time of its commutation was calculated on the price of certain agricultural produce, the price of that produce had fallen considerably in value. If, in these circumstances, the noble Marquess had thought it right to bring in a Bill for the re-valuation of tithes, or if he had thought it well to cause any alteration to be made in the basis on which they were collected, or, if objecting to such an alteration, he had proposed a Select Committee to inquire into all the circumstances of the case, possibly the public mind might have been for the moment satisfied. But the noble Marquess had taken a very different course. He had declared that tithe was not excessive; that at the time of the commutation the landowners made a good bargain; and he met the distress of the agriculturists and the complaints of the tithepayers by the singular device of increasing the security of the titheowners. Such a mode of proceeding would hardly be found satisfying; and he believed it would be found that, in proposing what the noble Marquess had done, he had made an innovation which would at once be noted by his opponents. For the first time in the history of this country the noble Marquess practically divorced the tithe from the land, made it a personal debt recoverable from an individual, and thus, he feared, inserted the thin end of the wedge, upon which the hammers of the friends of Disestablishment would hereafter be busily employed. The novelty of the principle thus introduced by the noble Marquess —the whole tenour of his Bill, and, indeed, the very basis upon which it rested —obliged him (Lord Brabourne) to say a few words upon the general question of tithe as it bore upon this particular measure. It was necessary to do so, both on account of something which had happened in the past, and of something which would certainly happen in the future. That which had happened in the past was this—that the advocates of Disestablishment and the defenders of the Church had put forward statements concerning tithe so contradictory as to confuse and mystify the public mind on the subject. That which would happen in the future was this—that when this Bill went down to the other House it would be carefully scrutinized and discussed by men who held different views, and he submitted that it was hardly wise—nay, hardly creditable to their Lordships—that they should proceed to legislate as if there was only one side to the question. While he thought that the advocates of Disestablishment had put forth many statements difficult to substantiate, he was bound to say, on the other hand, that the defenders of the Church had not always assumed a position which was entirely impregnable. No doubt, many of their Lordships had read the defence of the Church which had emanated from the pen of the noble and learned Earl who had recently occupied the Woolsack (the Earl of Selborne). It would be presumptuous in him (Lord Brabourne) to speak of the ability and research displayed in that book, because nothing but research and ability would be expected from such a quarter. But, even in that volume, he could not help thinking that he detected something of the dogmatic tone which prevailed in the writings of ecclesiastical authorities. Statements were made concerning facts which had always been in dispute, as if those facts were beyond all doubt and controversy, whilst writers who had arrived at conclusions different from those of the noble and learned Earl were summarily dismissed as "uncritical writers," and their statements treated as "idle stories." There was a notable instance of this in regard to this very question of tithes. There was a very large party in this country who would not be excluded from this question, and who maintained that the clergy had not the exclusive right to the tithe, but that there was originally a division of the tithe for several purposes. They were in the habit of quoting the famous answer of Pope Gregory the Great to Augustine, in which he stated that the division of the offerings made by the faithful at the altar should be fourfold—first, a share to the Bishop and his family —*propter hospitalitatem atque susceptionem;* secondly, a share for the maintenance of the clergy; thirdly, the relief of the poor; and, fourthly, the fabric of the churches. Afterwards, when the Bishops were supported from other resources, their share was eliminated, and the division was threefold. Now, the noble and learned Earl admitted that this answer was given by Pope Gregory; he admitted that this division of tithes prevailed in parts of Western Christendom; but he denied that it ever existed in England. He (Lord Brabourne) would not presume to enter into an argument with the noble and learned Earl, neither would he trouble their Lordships with a dissertation upon the Law of Tithes; but he called their attention to these facts in order that they might be aware that the exclusive right of the clergy to tithe was still challenged, and that it would be unwise to discuss this question as if the contrary were the case. In his humble judgment, the true wisdom of the Church of England would be to rest her claim to tithe, not on the appeals of ecclesiastical writers to a history which was at least doubtful, but upon a law and a fact which were beyond doubt or dispute. The law to which he referred was the Commutation Act of 1836, which gave the Church a Parliamentary title to the tithe, though, of course, at the same time it assumed and asserted the right of Parliament to determine the manner in which, and the extent to which, tithes should be levied. And the fact to which he alluded, and which he believed gave to the Church still greater security, was a fact to be found in the exemplary lives of her clergy, their conscientious discharge of their duties, and the liberal and generous spirit in which their incomes were spent among their people. He (Lord Brabourne) believed that there never was, at any time or in any country, a class of men who bestowed a larger proportion of their incomes in charity and good works than did the clergy of the Church of England, and he should indeed regret it if any legislation of that House should diminish their influence, or lessen their powers of well-doing. It was, therefore, in no spirit of hostility to the Church that he (Lord Brabourne) proceeded to comment upon the Bill. His noble Friend (the Marquess of Salisbury) had stated that, at the time of the commutation in 1836, the landowners had made, and still had, a good bargain. He ventured to say, on the one hand, that a good bargain had been made by the Church. It was easy enough to point to the value of tithes before the commutation, and to show by figures that the Church afterwards received a less amount. But figures were deceptive things, and there was something else to be taken into consideration. Did the noble Marquess remember what was the state of things before the Commutation Act? In introducing his Bill Lord John Russell said that "the objection to tithes was daily increasing in strength, and that men were becoming more and more unwilling to pay them." He stated, moreover, emphatically, in allusion to those who "were in the habit of talking of the absolute right to tithe," that, in his opinion, tithe was "the property of the nation, although participated in by individuals." Well, at the time of the Act in question voluntary commutation had taken place in about 2,000 parishes in England. Over the greater part of the country tithe was still taken in kind. And what did that mean? That in a very large number of cases the clergyman had either to secure the goodwill of his parishioners by a considerable sacrifice of income, or to run a grievous risk of forfeiting that goodwill by insisting upon his strict legal rights. People talked now as if tithe meant the tenth of the net produce—that was, the realized produce of the land. It was no such thing. It was the tenth of the gross produce to which the clergyman had a right—he could take the tenth sheaf of wheat, the tenth cock of hay, the tenth lamb, and so on, down to the tenth egg; and, if time permitted, he (Lord Brabourne) could tell their Lordships some laughable stories as to the deception which was sometimes practised in these matters. But then the clergyman had to convert the produce into money as he could. Many of their Lordships could doubtless remember the old barns and premises which used to stand in the vicinity of country rectories. What did those mean? They were the places in which the tithe produce was stored, and in which took place the process of conversion into money. They represented the trouble and expense to which the clergyman was put, *plus* the actual expense of collecting the tithe, and they represented something more—those barns and premises represented an item of repairs and dilapidations which greatly reduced the income of a clergyman, apart from the actual cost already named. All this the clergyman entirely got rid of by the Act of 1836, and he had since received his money without any of the enormous trouble and expense which before that Act he was obliged to encounter. But he gained something more. Besides the Parliamentary title to tithes acquired under that Act, the Church got quit of that friction which had previously existed between the clergy and their parishioners, and which was of very serious imp rt. The Church had, indeed, made no bad bargain under the Act of 1836, even if there had been some sacrifice of actual income. That was the opinion at the time, and if noble Lords would take the trouble to refer to the debates, they would find that the Bill was constantly referred to as "the Clergyman's Bill," on account of the belief which was entertained that it was favourable to the interests of the clergy. In his (Lord Brabourne's) opinion, not only was the Act in question beneficial to the Church, but the friction between the clergy and their parishioners had become so great as to be almost unbearable; and if some such well-considered measure had not been passed at the time, he felt confident that serious mischief would have ensued, and that the position of the advocates of Disestablishment would have been far stronger to-day than was happily the case. The noble Marquess had stated that this was legitimately an owner's and not an occupier's tax. The same thing was clearly stated in the noble and learned Earl's (the Earl of Selborne's) pamphlet. He said—

> "The rent of tithe-free land is always greater than that of land subject to tithe; if there were no tithe, the landowner, and not the occupier, would have the benefit."

Now, that was not exactly the form in which the matter presented itself to the agricultural mind in this time of distress. Take the case of a farmer who was paying 30*s*. an acre for his farm—20*s*. in rent and 10*s*. in tithe, and in many cases the tithe actually bore a higher proportion to the rent than that. Now, in many such cases the occupier had received a reduction from 20*s*. to 15*s*. in his rent, so that this 25 per cent reduction brought his total payment down to 25*s*. per acre. He could not expect to obtain a similar reduction from the titheowner. But he knew perfectly well that if there were no such thing as tithe, and that it had been 30*s*. per acre paid to one man, his reduction would, in all probability, have been from 30*s*., not to 25*s*., but to 20*s*., because it was much easier to get a reduction from one man to whom the whole 30*s*. was payable than from two men who divided the receipts in the proportion of 20*s*. to one and 10*s*. to the other. That was the practical way in which the question presented itself to the occupier;

or, put it in another way, if there were no tithe the landowner could better afford to let his land for 20*s*. per acre to the occupier than he could afford to let it at 15*s*. or 16*s*. with a payment upon it of 10*s*. per acre to the titheowner. No doubt the intention of the Act of 1836 was that the occupier should pay the tithe and deduct it from his rent. In practice, the landowner let his land at a lower rate than he otherwise would have done, and the tenant undertook to pay the tithe. It was thus practically made an occupier's debt, which could be recovered, just as rent, by distraint. But was this so wholly wrong? Tithe, in its origin, was not a charge upon the land, but upon the produce of the land; and it did not seem unwise or unjust that, upon whomsoever the burden should ultimately fall, it should, in the first instance, be discharged by and through the person who dealt directly with the produce—namely, the occupier. Moreover, it was much more convenient that it should be so, inasmuch as the occupier was almost always resident upon the land, whilst the landlord was constantly non-resident. Now, what good would this Bill effect in that respect? He (Lord Brabourne) did not understand that it was proposed to interfere with the contract which might be made between man and man. If such interference were contemplated, it would probably be evaded; but if not, what would probably be done? The landowner would still, for obvious reasons, desire to keep before his tenants' eyes what the land was paying for rent and for tithe separately. He would, therefore, say to his tenant—"We will keep the rent as it is, and as the Legislature has now directed that the tithe is to be paid through me and not through you, I will pay it, and we will have a covenant in our agreement that you shall pay me an equivalent for that tithe in our annual settlement of rent." The payments will thus be still kept separate—the occupier will know, as he now knows, what he is practically paying on account of tithe, and all that you will have effected by this Bill will be to have put an end to an arrangement which, upon the whole, has been proved by experience to be the most convenient for all parties concerned. But now he (Lord Brabourne) desired to call their Lordships' attention to two points of special importance—first, with regard to the owners; and, secondly, with regard to the remedy proposed by the Bill in lieu of distraint. Now, first, as to the owners, who were they? Their Lordships' House was frequently designated a House of Landowners; and therefrom some persons deduced the singular argument that they were unfit to legislate upon any question relating to land. But he earnestly wished to impress this upon their Lordships—that they were not now dealing with a matter which concerned only large landowners. This question had been greatly misunderstood. There was a very large number of small landowners in this country. The most rev. Prelate (the Archbishop of Canterbury) was recently endeavouring to show that the reduction of 5 per cent to owners for prompt payment was unnecessary, and that there was practically very little expense and inconvenience to the clergy at present in the collection of tithes. To show that the most rev. Prelate took 10 parishes, taken haphazard from five different counties—two from each county—and said that in these parishes, out of 883 tithepayers, upwards of 700 were owners of the land, for which they paid tithes. And he went on to say that out of 58,000 persons who paid tithes to the Ecclesiastical Commissioners, 37,000, or nearly two-thirds, were owners. Now, these words were pregnant with meaning and instruction. Let their Lordships examine a little more closely into this question of small owners. Take the case of any parish in which there were men occupying 10, 20, 50, or 100 acres, which he would call a small occupation. Now, if these men were the tenants of a large owner, the clergyman's tithe was practically secure. It was not from them that the difficulty arose. And why? Because the landowner and his agent knew perfectly well that if the tenant left at Michaelmas with his tithe unpaid, the titheowner could recover it from the land. Therefore, the land agent who knew his duty would take care that no tenant leaving a farm received his valuation from an incoming tenant until he could produce the receipt for his tithe, just as much as for his rent. So the clergyman had the landowner and his agent standing between himself and the occupier, and his tithe was secure.

But now take the case of men holding 10, 20, 50, or 100 acres of their own. These men were amongst the most suffering of the whole community. The legislation of the last 40 years, whether it was right or wrong, had been all in favour of the consumer, and had pressed most cruelly upon the British producer. Those small owners of land had felt the full pressure and weight of this legislation. They had been ground down to the ground. In an immense number of cases they had been obliged to mortgage their small properties up to the hilt, and they were crippled by the payment of interest which was higher than would have been their rent if they had been the tenants of a large landowner. Now, to these men, the payment of 5*s*., 6*s*., 8*s*., or 10*s*. per acre tithe was a grievous burden, and it was with them that the chief difficulty arose. What relief was offered them by this Bill? Not one fraction. Remember, moreover, that this class of small owners was one which many people thought it was most desirable to extend and encourage. But the only change which this Bill proposed to make in their condition was a change for the worse. He (Lord Brabourne), being no lawyer, spoke with diffidence upon legal points; but he apprehended that when tithe was made a simple debt, and a man was made personally liable, as proposed by the Bill, it meant that all his resources must be called upon to defray the debt, and that failing payment he must suffer in his person. So that what this Bill would do would be to make the small owner personally liable, and all his property, whatever it might be, liable, for a debt which, at present, attached only to that part of his property which happened to be in land. He (Lord Brabourne) could not help thinking that his noble Friend at the head of the Government had felt this to be a hardship, and had had this class of small owners in view when he proposed that 5 per cent reduction should be allowed for payment within 3 months. If he (Lord Brabourne) had introduced this Bill, he was not prepared to say that he should have proposed relief to the tithepayer in that form; but as the noble Marquess had done so, he could not but regret that he had withdrawn it at the very first blast of clerical opposition. There was something to be said on both sides. Where the clergyman had incurred small or no expense in collecting his tithes, on account of the paucity of owners from whom he had to collect, no doubt the effect would have been that he would have been giving 5 per cent to his tithepayers without equivalent advantage to himself. In other words, he would just now be giving a reduction of 5 per cent, where his lay brethren were giving 20 and 25 per cent reduction in their rents. But if he had been obliged to incur expense and trouble in collection, this would have been saved to him; and, moreover, there would have been the inducement to small and struggling owners to strain every nerve to pay quickly, and thus obtain their 5 per cent, instead of deferring payment until the last possible moment. Moreover, as there was going to be a new security given to the Church, this proposal of 5 per cent reduction did not seem wholly unreasonable, and would have been hailed as some earnest of sympathy with the distressed agriculturists on the part of the Legislature. He therefore regretted that, having been proposed, it had been so summarily withdrawn. And now he (Lord Brabourne) came to that which had been heralded forth as the great boon to be given by the Bill—namely, the abolition of distress for tithe. He confessed that he was rather a heretic in that matter. He very much doubted whether the abolition of the power of distraint was going to do all the good which was expected. He had no figures to show to their Lordships upon this subject; and, if he had, he doubted if he should trouble them with figures which were apt to mislead. But many of the cases of distraint in the counties of Kent and Sussex had been with respect to "Extraordinary Tithe," with which this Bill did not deal. It had been dealt with last year by a Bill which he, for one, had weakly accepted, because he found that the whole Bench of Bishops were unanimously in its favour, but which he believed to be one of the most unjust Bills ever placed upon the Statute Book. Extraordinary tithe essentially related to a specially remunerative kind of produce, of which the occupier got the benefit; and the Bill in question had placed a permanent charge upon the land after the remunerative crop had ceased to be grown, and when it had probably rendered the land less valuable for the future. But they were now dealing only with ordinary tithe, and he could not say how many cases of distraint had recently occurred. As he understood the present measure, it substituted for distraint the ordinary process of the County Courts. Now, he (Lord Brabourne) believed that recalcitrant tithepayers would be much less in fear of the County Court than they were at present of distraint. Distraint was a very disagreeable thing. It was very unpleasant to have bailiffs in possession of your premises, and to have your goods sold to defray your debts. But, because it was so disagreeable, people were the more anxious to avoid it, and the remedy, though short and sharp, was effective. A man would generally prefer to pay his tithe, rather than submit to this process. But proceedings in the County Court did not come home to him nearly so soon, whilst they put the person who instituted them to considerable trouble and annoyance. First, there was the summons to be taken out, and the debt proved. If that was done, an order was generally made for the payment of the debt by instalments. Perhaps these were paid at first, and then suspended. Then came another application to the Court, and, finally, a judgment summons was issued. Upon that a month was usually given before the expiration of which the debt was to be paid. During all that time the clergyman would be placed in the invidious position of prosecuting his parishioner, and if, at the end of the month, the debt was not paid, he did not recover his debt as he did by distraint, but the remedy was the committal of the non-paying tithepayer to prison for 14 days. He very much questioned the advantage to the Church of this change. It would enable people who objected to the payment of tithes to pose as martyrs, and would be not unlikely to give rise to an agitation of which the consequences could not be foreseen. He much feared that the change would be productive of very little advantage. And now there was only one more detail of the Bill with which he must trouble their Lordships. He alluded to the Redemption Clauses. He had seen with some surprise that these had been objected to by the clergy, for they appeared to him (Lord Brabourne) rather favourable than otherwise to the Church. Let him take a case. The noble Marquess proposed that 20 times the value of the apportioned rent-charge should be the price of redemption—that was to say, that for £100 of rent-charge an owner would pay £2,000, or 20 years' purchase. But as, at present, the value of the £100 was about £87, the actual number of years' purchase would be 23 and not 20. But the value of the rent-charge was falling, and competent judges expected it would ere long be at £75, or even at £70, which would make the number of years' purchase considerably greater. A man who was about to redeem tithe rent-charge would have to take this falling value into account. Moreover, when the tithe was redeemed he would no longer have to point to this charge, when letting his land, as some criterion for the rent; and though this seemed to matter little, in reality it was of some moment, and a person hiring the land would not take into account the sum which an owner had paid to redeem tithe, though he would necessarily take into account the annual charge so long as it existed. But there was something more. One of the great complaints of the clergy was that their tithe rent-charge was rated up to its full value. Now, as soon as the clergymen had received and invested his redemption money it would no longer be rateable. But as the same amount of rates would still have to be raised, it followed that a larger amount would fall upon the land upon which the tithe rent-charge had been redeemed. Taking this into account, the proposal of the noble Marquess would not work out very advantageously to the landowner, and he would think once, twice, and three times before he redeemed upon the proposed terms. But now look at it from the other side. The clergyman would receive a capital sum of £2,000, instead of £87 per annum now paid. But this £87 was likely to fall to £75. If his investments were restricted, he might not be able to get more than 3½ per cent for his £2,000, which would be £70 instead of £75. But he would at once obtain immunity from rates which could not be calculated at less than 10 per cent on the average; so that, when the question came to be closely worked out, it would be found that the actual loss to the clergyman would be very small, if eventually anything at all. But would he gain nothing, independently of pecuniary considerations? There would be a far greater security for his new investment than there was for his rent-charge to-day. It was impossible to observe what was passing daily in this country without coming to that conclusion. No one could see the attitude taken by the advocates of Disestablishment without foreseeing future struggles. He (Lord Brabourne) did not wish to make Party allusions in this debate; but he could not help feeling that the events of the two or three last years had shown the probability that, at any moment, political exigencies might throw the whole weight of a powerful Party organization into the Disestablishment scale, and that we might have eminent men coming forward and pointing to particular sentences in their past speeches, which proved that for 12 or 14 years past they had not uttered a word against the principle of Disestablishment. Therefore it was that he (Lord Brabourne) felt sure that anything which drew the Church and her revenues outside the whirlpool of political agitation and political intrigue would be beneficial to the Church, even if it should involve some sacrifice of income, and therefore it was that he should rejoice if such terms of redemption could be offered as would make it a matter of easy and early accomplishment. And now he had only a few words to say besides thanking their Lordships for the indulgent hearing which they had given him. He could not help feeling that, in all these discussions, they were shirking the great difficulty which really underlay the question of tithes. There could be no doubt that, on the one hand, the burden pressed heavily upon the weaker part of the agricultural community in its present depressed condition, whilst, on the other hand, the incomes of the parochial clergy were really insufficient for the calls made upon them. What, then, was the real truth which lurked behind the question? It was this—that if a National Church was to exist among us as an Establishment, it ought to be supported by all kinds of national property. When tithes were first given by landowners, and afterwards imposed as a charge by Popes and Synods, land was practically the only property in the country. That had long ceased to be the case. Other sources of wealth had sprung up; men possessed great wealth from these sources who contributed nothing to the Church, and the land, reduced in comparative value, still bore the whole burden. Why should that be so? There was but one answer—namely, that public opinion would not allow that act of justice to be done which would place the support of the National Church upon the general national taxation. No Minister would venture to propose it, because the Representatives of the people would not entertain the proposition, and therefore it must be considered as beyond the range of practical politics. But because that was so, it was not necessary to trifle with the subject by means of a Bill which gave no relief to those who were suffering. In the present depressed state of the agriculturists, this Bill, which only sought to perpetuate the present system and to stereotype an injustice, would not be received with any gratitude. Such a Bill might, indeed, be accepted by their Lordships on the powerful recommendation of the noble Marquess; it might even be accepted by the other House of Parliament, because, for other reasons, all sensible men, there and elsewhere, desired to keep the noble Marquess in power; but it was a Bill which, with whatever good intentions it might have been conceived, would neither settle the question, strengthen the Government, nor satisfy the country. He (Lord Brabourne) would not take upon himself the responsibility of moving the rejection of this Bill; but if such a Motion should be made he would feel bound to support it.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): In moving the second reading of this Bill without making any observations, I was actuated by the desire to spare your Lordships an unnecessary speech, as I had already spoken on the question upon the first reading, and I think I followed the rule upon such matters. As regards the speech of my noble Friend, (Lord Brabourne) his remarks were more properly applicable to the second reading, and I regret that the well-known diffidence of the noble Lord prevented him making his speech then. I did not know precisely to what points I ought to address myself in the speech of the noble Lord, because he took a very wide range. I understood in the earlier part of his speech he was contending that tithe ought to be divided into four parts, of which only one part should go to the clergy, and that we ought to do that on the strength of an observation made by Pope Gregory the Great at the end of the sixth century. If the opposite doctrine has been accepted during the centuries that have since elapsed, I think that is as good a title, based on prescription, as the clergy could wish to have. The noble Lord spoke of the enormous advantage which the Church had derived in 1836 from getting a Parliamentary title. I am not quite sure that I appreciate the advantages of a Parliamentary title, after the experience of recent years. I am inclined to define a Parliamentary title as a title which Parliament thinks itself entitled to upset; at all events a prescription of 1,000 years seems to be superior to a Parliamentary title. But then a change seemed to come over the noble Lord's opinions in the course of his speech, and he makes a proposition which would make the hair of the Chancellor of the Exchequer stand on end—namely, that the payment of the clergy should be put on the general taxation of the country. Neither of these two propositions appears to me to be sufficiently within the range of practical politics. Perhaps, however, the best thing I can do in answer to the speech of the noble Lord is to re-state, in a very few words, what the object of the Bill is. That object is to relieve both the titheowner and the farmer from grievances under which they at present suffer—the titheowner that he has to recover a tithe from the person who does not owe it, and the farmer from the grievance that though he does not really owe it he is called upon to pay it. I am aware that the farmer is put into that position by his own act—by an agreement made with his landlord—but the inconvenience of the process is unquestionably very great, because all variations in the amount of tithe fall upon the farmer and are felt by him in bad times, causing much exasperation, owing to the farmer having to bear the brunt of the payment at a time when he can least afford it, and leaving him subject, if he does not pay it, to a process—that of distraint—which we know from experience is singularly calculated to excite popular feeling. The agitation is going on in Wales and in some of the western and southern counties of England at this time. I could easily produce most effective, striking, and I might almost say heartrending appeals from the clergy in those parts of the country, asking Parliament to come to their succour by providing some mode of recovering the tithe that is due other than that of levying by distraint, as the state of popular feeling makes that remedy almost absolutely useless, involves great expenditure, and leaves a bitterness of feeling behind that it is difficult for them to overcome. There is a great political danger in the present state of things. It is not merely that the clergy cannot obtain what is their due, and that a burden is placed on the farmer which appears to him to be a hardship, but ill-feeling is thus being gradually fomented against one of the institutions of this country which may cause great embarrassment in the future. It is to put an end to this state of things that the present Bill is introduced, and I do not believe that any injustice will be caused by this Bill. There can be no doubt that it is the land and the land only that is liable for the tithe. The occupier never has been, and is not now, by law liable. What is liable is the gross produce of the land. If land yields no produce, then there is no tithe due. That has been the case hitherto, and that will still be the case under this Bill. Though the Bill makes the landowner liable for the tithe, it really only provides a change of procedure, substituting the simpler procedure of the County Court in the place of the ancient and exasperating procedure of distraint. The noble Lord raised again the question whether there ought not to be a change in the bargain made in 1836 on account of the changed circumstances since that time. I waited for him to state his case, and I expected that he would produce figures to show that tithe in those days was less valuable than it has become since, and to show the difference between tithe levied under the old law and under the present law. But he did nothing of the kind. I do not think that this can be shown. I still believe that, if you look at the prices of produce as it is now, and the prices in 1836 you will find that prices are still higher than they were at that time. The price of grain has, no doubt, fallen, but the other produce of the land is more valuable than it was in 1836, and therefore the settlement of 1836 is more advantageous to the landowner than if he remained under the old law. The noble Lord did not make out the shadow of a case for reopening the question of valuation and tearing up the bargain which Parliament made in 1836. I do not think that this suggestion of the noble Lord has any support in this House, and I shall not, therefore, detain your Lordships any longer on this point. I acknowledge that the Bill only touches the fringe of a very large subject, and that it touches only that part of the subject with which we can hope most successfully to deal with; but I deny that, because the area the remedy covers is small, therefore the remedy ought not to be applied, or that, because certain great difficulties are beyond our powers, we should not address ourselves, where we can, to solve those smaller difficulties which are within our reach.

Motion *agreed to:* House in Committee accordingly.

Clause 1 (Short title).

On the Motion of The Duke of MARLBOROUGH, Amendment made, in page 1, line 23, to leave out ("personally").

On the Motion of The Marquess of SALISBURY, Amendment made, in page 1, line 5, to leave out ("recovery").

Clause, as amended, *agreed to.*

Clause 2 (Personal liability of owner of lands for tithe rent-charge).

On the Motion of The Marquess of SALISBURY, Amendment made, in page 1, line 17, to leave out ("occupier of the land") and insert ("lands liable to the payment thereof").

Amendment *moved,* in page 1, lines 19 to 24, leave out Sub-section 2.—(*The Marquess of Salisbury.*)

THE EARL OF KIMBERLEY, in opposing the Amendment, said, that the Bill gave no new right to the titheowner, whose only remedy, up to the present time, had been that of distraint. There could not be a greater mistake than to assume that England was parcelled out among large landowners. Although he would be glad to see a larger number of owners, there were still many owners who were not large landowners, and it was really those owners, as well as the titheowners and the agriculturists, who were suffering most from agricultural depression. They were men of influence in their various districts, and still formed a yeoman class. These men would regret the withdrawal of this concession as a great grievance, and the withdrawal of it would be likely to prevent the passing of the Bill, or to interfere with the working of it. He believed that the concession embodied in the sub-section was only a just and wise concession to make.

THE BISHOP OF LONDON, in supporting the Amendment, said, it was not a one-sided bargain, because account ought to be taken of the 2nd sub-section of Clause 3—which limits arrears recoverable to the profit of the land. That would considerably diminish the claims of the titheowner. Hitherto, his claim had stood first, replacement of farmers' capital second, the profit of the farmer third, and the rent of the landlord fourth. But the 2nd sub-section of Clause 3 put the tithe rent-charge after the replacement of capital and after the profit of the farmer, and made it only precede the actual rent. At present, the claim of the titheowner was a perfectly clear one; but, under the Bill, it would be a question for the Court to decide. There was no doubt there would be a number of losses under the 2nd sub-section of the 3rd clause.

THE EARL OF SELBORNE, who had also given Notice of his intention to move the omission of this sub-section, supported the Amendment.

LORD BRAMWELL also supported the Amendment on the ground that the titheowner would lose 5 per cent, for which he received no benefit in return, and the landowner would get 5 per cent for no reason whatever.

LORD BRABOURNE said, he hoped his noble Friend at the head of the Government would consent to modify, instead of striking out, the sub-section which gave the 5 per cent reduction for prompt payment. Their Lordships could now show that they desired to benefit, not themselves, but that class of small owners upon whom the depression of the times weighed so heavily. He would propose that the section should be amended, so that relief should be given not to all owners, but to owners of less than 50 or 100 acres of land, who would fairly represent the class with which they all sympathized, and whom they could thus, to some small extent, relieve.

THE MARQUESS OF SALISBURY said, that many clergy collected their own tithes, and many tithes were collected at small costs, and upon the whole, it would be better to omit the words.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 3 (Recovery of tithe rent-charge from the owner).

On the Motion of The Marquess of SALISBURY, the following Amendments made:—In page 1, line 27, leave out ("may be sued for such arrears"); in line 28, leave out ("for"); in line 30, leave out ("so sued"), and insert ("sued by virtue of this Act"); and in page 2, line 25, after ("judgment") insert ("for such arrears or sum").

On the Motion of The Marquess of SALISBURY, the following Amendment made:—In page 1, line 27, after ("payable"), insert—

("Such arrears together with the full costs of recovering the same shall be recoverable from").

On the Motion of The Earl of SELBORNE, the following Amendment made:—In page 2, line 7, after ("land"), add—

("When the owner so sued is not himself the occupier of the lands, the rent received or receivable by such owner in respect thereof shall be deemed, for the purposes of this Act, to be the profit of the land").

On the Motion of the Earl of SELBORNE, the following Amendment made:—In Sub-section 5, page 2, line 39, after ("therein") add—

("When the owner of any land in his own occupation has been assessed to the poors rate in respect thereof on a valuation exceeding the amount of the tithe rentcharge for any such period of twelve months, the tithe rentcharge shall not be deemed to exceed the profit of the lands during such period").

EARL BEAUCHAMP, in reference to the subject under notice, said, he wished to point out that the section which gave the Court power to make orders against the landowner, did not provide for the case of farms being thrown upon the landowner in a bad state of cultivation, and which required a large outlay to bring them into a good state, but before that was done, had produced no return. During the past few years it had happened to him to have, from time to time, farms put on his hands in a state of inferior cultivation. By a sufficient outlay those farms had been brought into a good state of cultivation, but while they had been in the hands of the landowner no profit had been received. As he understood this sub-section, it appeared to him that the owner who cultivated his own land in these circumstances would be exonerated from the payment of tithe rent-charge. He did not think this was fair, and he trusted words would be inserted to guard against the application of the sub-section as he stated it.

THE MARQUESS OF SALISBURY said, his noble Friend must remember that under the old Law of Tithe, if there was no produce there was no tithe; and under the law as it existed, if there was not sufficient distraint, there was no tithe, unless the person interested took the land into his own hands. Their Lordships might assume that, as regarded cultivation, most persons would act on the ordinary principles of profit and loss; but if the cultivation produced no profit the payment of tithe would cease.

Amendment *moved,*

In page 2, line 20, after ("trust") add ("it shall in every such case be incumbent upon the owner to specify, to the satisfaction of the court, the property held upon such trust, and the court shall have power thereupon to order execution to issue against such property, by all or any such ways and means as would have been proper if the same had belonged to the owner for his own benefit").—(*The Earl of Selborne.*)

THE MARQUESS OF SALISBURY said, that he had no objection to accept the words.

Amendment *agreed to.*

Amendment *moved,*

In line 30, at end of line insert as a separate sub-section: — "Arrears of tithe rentcharge may be recovered in the county court for the district in which the lands charged with such tithe rentcharge or any part of such lands are or is situate, and may, whatever the amount of such arrears, be recoverable with full costs, and where it is shown to the county court that by reason either of the absence of the owner of such lands or of the difficulty of ascertaining the person who is the owner thereof, there is likely to be delay in the payment of any sum adjudged to be paid for such arrears, the court may, in adjudging payment of the arrears or any sum in respect thereof, order that in the event of the non-payment of such arrears or sum within the time limited by the judgment, the person in that behalf named in the judg-

(Provision for redemption of tithe rentcharge).

"(1.) Any person desirous of discharging his lands from liability to tithe rentcharge payable to any ecclesiastical corporation, or to the Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) may redeem the said tithe rentcharge by the payment of an annuity of such amount and for such term of years as may be agreed upon with the Ecclesiastical Commissioners.

"(2.) The annuity shall be payable to the Ecclesiastical Commissioners, and shall be carried by them to a separate fund, in this Act referred to as the redeemed tithe fund.

"(3.) There shall be payable in perpetuity out of the redeemed tithe fund to the person who would otherwise have been entitled to receive the tithe rentcharge, such annual sum as is determined in manner herein-after mentioned to represent the net income derived from the tithe rentcharge.

"(4.) The Ecclesiastical Commissioners shall pay out of the redeemed tithe fund all sums properly incurred by them in or incidental to the execution of this section, and subject thereto shall invest the same in any securities in which they can by law invest their common fund, and the dividends and income arising from such securities shall be carried to the redeemed tithe fund and applied in like manner as directed by this Act with respect to that fund.

"(5.) A person desirous of discharging his lands from any tithe rentcharge by an annuity under this section shall apply to the Ecclesiastical Commissioners, and those Commissioners shall thereupon name the annual amount which they consider ought to represent the net income derived from that tithe rentcharge, and the amount and duration of the annuity by which the same is to be redeemed, and shall send, if the tithe rentcharge is payable to the parson of a benefice having the cure of souls, to the incumbent and the patron of the benefice, and if the tithe rentcharge is payable to any other ecclesiastical corporation, to that corporation, notice of the annual amount which they consider ought to represent the net income derived from the tithe rentcharge, and before finally determining such annual amount and agreeing with the applicant on the annuity, shall consider and have due regard to any objections to such amount which may be sent to them within one month after such notice.

"(6.) When the Ecclesiastical Commissioners have agreed with the applicant upon an annuity under this section, they shall certify the same to the Land Commissioners, and thereupon the Land Commissioners shall issue a certificate discharging the lands from liability to the tithe rentcharge redeemed by the annuity, and charging the lands with the annuity, and thereupon the annuity shall during the specified period be a rentcharge issuing out of the said lands, and be charged thereon in priority to all other charges and incumbrances whatsoever, except land tax, Crown rents, chief rents, and quit rents, and be recoverable in like manner as any other rentcharge is recoverable by law, and shall not be liable to any poor or other local rate or to land tax.

"(7.) The owner of any lands charged with the payment of an annuity under this section may at any time determine such annuity by payment of a capital sum of such amount as may be agreed upon with the Ecclesiastical Commissioners. Upon payment of the said capital sum, the determination of the annuity shall be certified by the Ecclesiastical Commissioners to the Land Commissioners, and thereupon the Land Commissioners shall issue a certificate of such determination, and the certificate shall discharge the lands from liability for the annuity.

"(8.) The said capital sum shall be carried to the redeemed tithe fund, and be applied in like manner as directed by this Act with respect to that fund.

"(9.) Any tenant for life or person having the powers of a tenant for life under the Settled Land Act, 1882, also any person having power under the Lands Clauses Consolidation Act, 1845, to sell land by agreement in pursuance of that Act shall have power to agree with the Ecclesiastical Commissioners for the redemption of tithe rentcharge under this Act, and any money which may by law be applied in the redemption of tithe rentcharge charged on any lands may be applied in payment of a capital sum for the determination of an annuity charged under this Act on such lands."

New Clause, to follow new Clause 8—

(Compulsory redemption of small sums of tithe rentcharge.)

"(1.) Where the total amount of tithe rentcharge which is payable to an ecclesiastical corporation or to the Ecclesiastical Commissioners, and is charged on the lands of the same owner, does not exceed *two* pounds, the person for the time being entited to the tithe rentcharge may by notice in writing require such owner to redeem the same by payment to the Ecclesiastical Commissioners either of a capital sum equal to *twenty-one* times the amount of tithe rentcharge fixed by the apportionment or any altered apportionment, or of an annuity of *fifty-two* years calculated at the rate of one pound *sixteen* shillings for every two pounds of tithe rentcharge fixed by the apportionment or any altered apportionment.

"(2.) If within six months after such notice has been served on the owner, the said capital sum has not been paid, the Ecclesiastical Commissioners may certify the amount of the annuity to the Land Commissioners, and shall satisfy the Land Commissioners that the said notice had been duly served, and if the Land Commissioners are so satisfied, the provisions of this Act shall apply as if such annuity had been agreed upon between the Ecclesiastical Commissioners and the owner of the land.

"(3.) A notice for the purposes of this section shall be served on the owner by serving the same either on him or on the person actually receiving the tithe rentcharge whether as agent or otherwise, and by so serving the same either on such owner or person personally, or by leaving the same at his most usual or last known place of abode in England. Such notice may also be served by post, and it shall be sufficient in proving such service to prove that the notice was prepaid and properly addressed and put into the post office, and the same shall be deemed to be properly addressed if addressed to such owner or person at his most usual or last known place of abode in England.

"(4.) The sums received by the Ecclesiastical Commissioners under this section shall be carried to the redeemed tithe fund, and applied in like manner as directed by this Act with respect to that fund, and the Commissioners shall pay in perpetuity out of that fund to the person who would otherwise be entitled to receive the tithe rentcharge redeemed under this section such annual sum as the Ecclesiastical Commissioners may at the time of the redemption determine to be equivalent for the purposes of such redemption to the net income derived from the tithe rentcharge."

Clause 9 (Savings) verbally amended, and, as amended, *agreed to.*

Clause 10 (Meaning of owner, and liabilities of several owners and mode of service of writ on owner).

On the Motion of The Marquess of SALISBURY, the following Amendments made:—

In page 6, line 31, leave out the first ("or"), and insert (" means the Commissioners of Her Majesty's Woods, and in case of lands belonging to"); in line 32, leave out ("Commissioners and"); in line 33, after ("1836") insert ("so however that the provisions of this Act with respect to persons holding lands in trust for a public purpose shall apply to such Commissioners and officers, and any sums recovered from the Commissioners of Woods under this Act shall be deemed to be part of the expenses of the management of the land revenues of the Crown, and shall be payable out of such money and in such manner as those expenses are by law payable"); and in line 33, at end of foregoing paragraph ("Any reference in this Act to a person entitled to tithe rentcharge shall, in the case of tithe rentcharge belonging to the Queen in right of her Crown, mean the Commissioners of Woods, and in the case of tithe rentcharge belonging to the Duchy of Lancaster, or to the Duchy of Cornwall, mean the officers mentioned in section thirteen of the Tithe Commutation Act, 1836").

Clause, as amended, *agreed to.*

On the Motion of The Earl of SELBORNE, the following new Clauses *agreed to,* and *ordered to* stand part of the Bill:—

New Clause (B.)—

"Nothing in this Act shall alter or affect the order or priority of any tithe rentcharge, as a charge upon any land, as between the person entitled thereto and any persons entitled to other charges upon the same land."

New Clause (C.)—

"(1.) The purchase money of land sold by a university or college under the Universities and College Estates Act, 1858, or any other Act amending the same, may, with the consent of the Land Commissioners, be applied by the university or college in the discharge of any lands belonging thereto from liability to tithe rentcharge in manner provided by this Act.

"(2.) The consent of the Land Commissioners shall be evidenced by an order under their hands and common seal in the form or to the effect set forth in the third schedule to this Act."

Clause 11 (Definitions).

On the Motion of The Marquess of SALISBURY, the following Amendment made:—In page 7, after line 29, insert as a separate paragraph ("The expression 'parson' means rector, vicar, or other incumbent").

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to,* with Amendments.

MEMORANDUM AS TO NEW CLAUSES PROPOSED BY THE BISHOP OF LONDON.

"The new clauses have been prepared with the view of providing facilities for the redemption of tithe rentcharge without any advance of capital, and upon terms as easy as possible to the landowner.

"It is proposed to effect the redemption by converting the permanent payment varying with the 'averages' into a fixed payment by way of terminable annuity, including principal and interest, for a limited number of years.

"In order to make the annual payment as small as possible, it is proposed to extend the payment over a term of fifty-two years, and to reduce the rate of interest below the rates usually charged by the Public Works Loan Commissioners for advances made by them.

"The rate of interest proposed to be charged in computing the terminable annuity is three and five-eighths per cent., about one half per cent. less than the rate which is usually charged by the insurance offices for advances repayable by instalments over a term of fifty years.

"The extinction of a tithe rentcharge of the 'commuted value' of one hundred pounds per annum could be secured upon these terms by a fixed annual payment of ninety pounds for a period of fifty-two years.

"The landowner would pay for a limited number of years a fixed payment ten per cent. below the commuted amount, and should he at any time during the term be desirous of discharging his land from the payment, he could do so by paying, without notice, the balance of capital remaining unpaid at the end of any half year of the term.

"The above terms are not, except as respects tithe rentcharge under two pounds, stated in the new clauses, as some variation in the terms must necessarily be required to meet exceptional cases.

"The payments, whether of capital or by way of annuity, would be made to the Ecclesiastical Commissioners, and carried by them to a separate fund to be called the 'Redeemed Tithe Fund.' Out of this fund payments would be made half-yearly by the Commissioners to the owner of the tithe redeemed or in course of redemption. The payment to the tithe-owner in respect of each one hundred pounds of 'commuted amount' of tithe rentcharge would be seventy pounds, free of all deductions excepting income tax. This would be the exact equivalent of a sale at twenty years purchase, the money being paid down and invested in a three and a half per cent. stock at par.

"These payments would be charged upon the 'Redeemed Tithe Fund,' and the proportions of the annuities which would provide the required capital by the end of the term would be invested half yearly as they were paid.

"The clauses relating to the compulsory redemption of amounts under two pounds have been prepared upon the same terms, and would ensure the extinction of these small payments without inflicting any hardship upon the small freeholders, as they would only have to pay a fixed payment for a definite number of years equal to nine-tenths of the 'commuted amount.' And in the event of their being in a position to discharge the outstanding balance of the purchase money, it could be paid off at the end of any half year without notice.

"20th May 1887."

SCHEDULES.

Second Schedules severally *agreed to.*

On the Motion of the LORD BISHOP of LONDON, the following new Schedule *agreed to,* and *ordered to* stand part of the Bill:—

THIRD SCHEDULE.

Form of Order authorising the application of Purchase Money in the Discharge of Lands from Liability to Tithe Rentcharge.

LAND COMMISSION.

In the matter of the Universities and College Estates Acts, 1858 to 1880, and in the matter of the Tithe Rentcharge (Recovery) Act, 1887, ex parte [*here state title of university or college*].

Whereas there is now standing in the books of the Governor and Company of the Bank of England to the credit of the account of the Land Commissioners, ex parte [*here state the particular amount*] the sum of £ [*here insert the amount of cash or stock*] being moneys derived from the sale of certain lands belonging to the said university [*or* college] by virtue of certain orders heretofore issued by the said Commissioners under the provisions of the said Acts.

And whereas a statement has been submitted to the said Commissioners on behalf of the said university [*or* college] containing a proposal for the application of the said sum of £
[*or* the sum of £ part of the said sum of £] to [*here name the purpose to which it is proposed to apply the money*] the said application being one within the provisions of the said Acts.

Now the said Commissioners being of the opinion upon consideration of the circumstances that the proposed application of the said money will be advantageous and for the interests of the said university [*or* college] and their successors, do hereby direct that the said sum of £
[*or* the said sum of £ to be paid or raised out of the said sum of £] now standing to the credit of the said account, be applied to the purpose aforesaid.

Witness their hands and common seal this day of .

Preamble *agreed to.*

The Report of the said Amendments to be received on *Friday* the 10*th of June* next; and Bill to be *printed* as amended. (No. 110.)

AFRICA (SOUTH)—AFFAIRS OF SWAZILAND.

QUESTION. OBSERVATIONS.

VISCOUNT MIDLETON, in rising to ask the Under Secretary of State for the Colonies, Whether the Government have decided upon the course to be adopted with respect to Swaziland, and what communications have been addressed to or received from the President of the South African Republic on the question? said, he would remind their Lordships that a continual incursion of Boers into Swaziland was going on, and if no steps were taken very soon, it would be extremely difficult to get them out at all. British rights were largely involved in this question; almost all the mining rights in the country being in the hands of British subjects, and not only our own fellow-countrymen, but the Natives especially needed protection against a large incursion of Boers. He hoped to hear a satisfactory assurance with respect to Pondoland, similar to that which was made the other day in "another place" by the Secretary of State for the Colonies with regard to Zululand.

THE UNDER SECRETARY OF STATE FOR THE COLONIES (The Earl of ONSLOW) said, that Her Majesty's Government had ascertained that the Swazi King had made complaints to the Transvaal Government of the action of English subjects, precisely similar to those made to the Governor of Natal with regard to the Boers. The fact appeared to be that the King had granted grazing licences to the Boers, and had also granted mining licences of the same ground. The time of year had now come when the Boers would take advantage of these grazing concessions, and would drive in their cattle, and that was the probable reason of these rumours of Boer raids. The Government of the South African Republic had stated their belief that these rumours were unfounded, and had telegraphed that they knew full well the obligations which the London Convention of 1884 imposed upon both parties, that they had always kept those obligations in view, and would continue to do so. Her Majesty's Government were informed that the Transvaal Government had sent a Commission to investigate the position of affairs, and Her Majesty's Government had requested to be furnished with a copy of their Report. Looking at the friendly feeling of the Representatives of the Transvaal Government, and the desire which they had expressed to give effect to the provisions of the Convention of London, Her Majesty's Government had addressed a despatch to Sir Hercules Robinson, inviting him to consider whether some joint action might not be possible between Her Majesty's Government and the Transvaal Government for the maintenance of order in Swaziland.

ALLOTMENTS FOR COTTAGERS BILL. [H.L.]

A Bill to make better provision with respect to allotments for cottagers—Was *presented* by The Earl of Jersey (for The Earl of Dunraven); read 1ª. (No. 109.)

PRIVATE AND PROVISIONAL ORDER CONFIRMATION BILLS.

Ordered, That Standing Orders Nos. 92. and 93. be suspended; and that the time for depositing petitions praying to be heard against Private and Provisional Order Confirmation Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the recess.

House adjourned at Nine o'clock, to Thursday the 9th of June next, a quarter before Four o'clock.

HOUSE OF COMMONS,

Monday, 23rd May, 1887.

MINUTES.]—New Member Sworn—William Alexander M'Arthur, esquire, *for* the County of Cornwall, Mid or St. Austell Division.

Public Bills — *Ordered* — *First Reading* — Lieutenancy Clerks Allowances * [274].

Committee—Criminal Law Amendment (Ireland) [217] [*Twelfth Night*]—R.P.

Provisional Order Bills — *Ordered* — *First Reading*—Tramways (No. 2) * [271]; Local Government (Ireland) (Ballyshannon, &c.) * [272].

Third Reading—Commons Regulation (Ewer) * [237], and *passed*.

MOTIONS.

TRAMWAYS PROVISIONAL ORDERS (NO. 2) BILL.

On Motion of Baron Henry De Worms, Bill to confirm certain Provisional Orders made by the Board of Trade, under "The Tramways Act, 1870," relating to Dudley, Netherton, Old Hill, and Cradley Tramways; Newport Pagnell and District Tramways; Norwich Tramways; Wolverton and Stony Stratford Tramways (Deanshanger Extension); and Worcester Tramways, *ordered* to be brought in by Baron Henry De Worms.

Bill *presented*, and read the first time. [Bill 271.]

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDERS (BALLYSHANNON, &c.) BILL.

On Motion of Colonel King-Harman, Bill to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in Ballyshannon, Greencastle, and Kinlough, *ordered* to be brought in by Colonel King-Harman.

Bill *presented*, and read the first time. [Bill 272.]

LIEUTENANCY CLERKS ALLOWANCES BILL.

On Motion of Mr. Brodrick, Bill for amending the Allowances payable to Clerks of General Meetings of Lieutenancy, *ordered* to be brought in by Mr. Brodrick, Mr. Secretary Stanhope, and Mr. Northcote.

Bill *presented*, and read the first time. [Bill 274.]

QUESTIONS.

CANADA AND THE UNITED STATES—THE ANGLO-AMERICAN FISHERIES DISPUTES.

Mr. GOURLEY (Sunderland) asked the Under Secretary of State for Foreign Affairs, Whether he has yet received a reply from the American Government to the Marquess of Salisbury's Despatch of the 24th March, and which contained proposals for a settlement of the Anglo-American Fisheries disputes; if so, will he be good enough to favour the House with a synopsis of the answer; and, what measures (pending existing negotiations) Her Majesty's Government, in conjunction with that of Canada, intend adopting for the purpose of preventing further friction and ill feeling between the two Governments, by the seizure of American ships, during the approaching fishery season?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): No reply has yet been received to the Marquess of Salisbury's

Despatch of the 24th of March. The measures to be taken during the ensuing fishing season for the protection of the inshores will be similar to those taken last year, which were warranted under the terms of existing Treaty arrangements between Great Britain and the United States. Her Majesty's Government entertain no doubt that the Canadian Government will use all possible moderation compatible with the protection of the public interests; and they also hope that vessels from the United States will give no occasion for interference with them.

METROPOLIS—THE ROYAL PARKS—CONSTITUTION HILL.

Mr. LAWSON (St. Pancras, W.) asked the First Commissioner of Works, Why the public are debarred from the use and enjoyment of Constitution Hill, which is maintained and inspected at the public cost, out of moneys appropriated to the Royal Parks; who are the persons privileged to ride and drive along it; and, whether he will endeavour to open it for the convenience of the Metropolis?

The FIRST COMMISSIONER (Mr. Plunket) (Dublin University): The use of Constitution Hill by the public is subject, as in the case of all the other roads in the Royal Parks, to Rules laid down in pursuance of the Parks Regulation Act, 1872. At present, all foot passengers and persons riding on horseback can pass up Constitution Hill; but special permission is required by persons using carriages. I am not aware that it is intended to make any change in these arrangements.

Mr. LAWSON inquired by whom permission was given?

Mr. PLUNKET: Through the Home Office.

ADMIRALTY—PERMANENT FINANCIAL CONTROL.

Sir WILLIAM PLOWDEN (Wolverhampton, W.) asked the First Lord of the Admiralty, Whether the Government have it in contemplation to establish at the Admiralty a permanent financial Control, similar to that which it is officially stated will be introduced at the War Office?

The FIRST LORD (Lord George Hamilton) (Middlesex, Ealing): The hon. Baronet has put this Question under a misapprehension. The Secretary of State for War stated the other day that, inasmuch as a certain portion of the expenditure of the Ordnance Department was exempted from the financial control to which all other expenditure at the War Office was subject, he proposed hereafter to establish a stricter control over this branch of outlay. No branch of expenditure at the Admiralty is in this condition, all being equally subject to the same financial control and check.

ARMY (INDIA)—INDIAN ARTILLERY—THE 9-POUNDER MUZZLE-LOADING GUN.

Sir WILLIAM PLOWDEN (Wolverhampton, W.) asked the Under Secretary of State for India, Whether it is true that, notwithstanding the Government of India admit the inferiority of the present 9-pounder muzzle-loading gun, with which the Indian Artillery is equipped, to the Ordnance it would have to meet in action, and have recommended the new 12-pounder breech-loading gun should be substituted for it, only 10 batteries of 60 guns out of the entire 417 are to be provided for before the 1st April, 1888; what time it will take to provide the armament for the whole of the batteries in India; and, what is the reason why the three batteries which were to have been supplied by the 31st March last have not yet been sent out to India?

The UNDER SECRETARY of STATE for FOREIGN AFFAIRS (Sir James Fergusson) (Manchester, N.E.) (who replied) said: The answer to the first Question is in the affirmative. The time within which the new armament for the whole of the batteries in India will be provided depends upon financial and other considerations. The three batteries will be shortly despatched. The reason why they were not sent earlier is that the War Department could not get them ready in the time that has elapsed since the receipt of the demand.

POOR LAW (METROPOLIS)—STRAND BOARD OF GUARDIANS—CASE OF ELIZABETH SMITH.

Sir HENRY TYLER (Great Yarmouth) asked the President of the Local Government Board, Whether his attention has been called to the case referred to in the following extract from *The Globe* of the 12th instant (which has been verified as accurate by the Superintendent of the Strand Union Schools at Edmonton); and whether he will consider of the advisability of giving the Guardians some limited discretionary power in dealing with such a case, which is by no means an isolated one, or take other steps to protect children in similar cases:—

> "Yesterday, at the Strand Board of Guardians, a woman named Elizabeth Smith, who was wretchedly attired, applied for the custody of her two children, aged respectively 12 and 14, who were in the schools at Edmonton. The Clerk read a Report, which had been made by one of the officers of the Union, to the effect that he had visited Mrs. Smith's home, and found she had only one room, in a wretched condition, almost devoid of furniture, and with a very little bedding, and in this room slept with the mother a daughter aged 19, and a son aged 16 years. The Chairman strongly advised the applicant not to take her two boys from the schools to her miserable home. One of them was in the band, and would become a good musician, while the other was making good progress with his trade as a shoemaker, and both were very happy. Mr. Bennett said it would be a shame to give these children up to Mrs. Smith, who spent her time going from public house to public house.—The Relieving Officer said that Mrs. Smith's husband poisoned himself some time ago owing to the conduct of his wife.—The Chairman: I implore and entreat of you, Mrs. Smith, not to take these children away.—Mrs. Smith: Can't I have my children if I want them?—The Chairman: I must tell you if you insist upon it you can have them.—Mrs. Smith: I do insist upon it, and I will have them.—The Chairman; Very well, if you say so you must have them, and we cannot help it?"

THE PRESIDENT (Mr. RITCHIE) (Tower Hamlets, St. George's): My attention has been drawn to the case referred to in the Question. Legislation would be necessary to empower a Board of Guardians to retain, against the will of the parent, the custody of his child, although in consequence of destitution the child had been chargeable to the rates. No doubt, there are some instances in which the interests of children are prejudiced by their parents claiming them from the Guardians; but I should not be prepared to propose legislation which would enable a Board of Guardians to withhold a child from its parent when claimed by him. If, after a child has been taken charge of by its parent, there are any circumstances which would bring the case under the provisions of the Industrial Schools Acts, proceedings might be taken for sending the child to an industrial school.

EVICTIONS (IRELAND)—MONAGHAN GUARDIANS.

MR. P. O'BRIEN (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has any objection to state from whom he received the information relating to threatened evictions in Monaghan that the Guardians reported that there was ample accommodation for tenants in the workhouse independent of the portion occupied by the Militia; if this Report was furnished by the authority of the Board, when was the meeting held, and if supplied by individual Guardians, whether he will give their names, and state whether they were elected or *ex-officio* Guardians; whether it is true that the Master of the workhouse reported to the last meeting of the Board that the Militia had smashed the windows of one wing of the building, and that fever had broken out in one of the wings occupied by the Militia; and whether considering that a considerable time will be required to repair the damage done, and for disinfecting the building, before evicted tenants could be with safety received, he will refuse to place Forces of the Crown at the service of Miss Rose, Mr. Dacre Hamilton, and Colonel Forster, for the purpose of evicting those 60 families, until the Militia are disbanded, and the workhouse put in order to receive them?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the information was received from the Clerk of the Union. The Master reported that a number of panes of glass had been broken in the windows of the wing occupied by the Militia. There had been no outbreak of fever among the Militia during the present training. The Government did not see any reason to interfere with the pending evictions, should it be unhappily necessary to carry them out.

LAW AND JUSTICE (IRELAND)—CASE OF JOSEPH COMERFORD — BELFAST POLICE COURT.

MR. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the case of Joseph

Comerford, who was sentenced by the magistrates at Belfast Police Court, on 31st May, 1886, to upwards of 21 months' imprisonment with hard labour for assaults committed on the one occasion; whether the extreme penalty which, according to the law in England, can be inflicted for such an offence is six months' imprisonment; whether Comerford has now been in gaol for double that period; and whether he will, under the circumstances, bring this case under the notice of the Lord Lieutenant?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the facts appeared to be substantially stated in the Question. The assaults were, however, of a most serious character. They were five in number, and spread over two different periods of one day, the prisoner on the first occasion having effected his escape, on which occasion he seized the baton of a policeman, and with that weapon attacked the police, striking three of them on the head, and wounding one of them so seriously that he was unfit for duty. The prisoner was of previous bad character, there being 20 previous convictions recorded against him. The Lords Justices had had this case fully under review, and had decided that the law must take its course.

WAR OFFICE — THE FIRST ARMY CORPS — THE HORSES OF THE CAVALRY REGIMENTS.

MR. LAWSON (St. Pancras, W.) asked the Secretary of State for War, Whether 20 horses have been taken from all Cavalry Regiments in the First Army Corps in order to make up the number required for the Ammunition Column; and, if so, how the deficiency will be made up?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): No Cavalry regiment has had its horses reduced in order to provide horses for the Ammunition Column. It is true that six Cavalry regiments which, in 1886-7, had 400 horses, have, in the present Estimates, only 380. The Cavalry, however, does not lose these 120 horses, as 80 of them have been added to the establishment of a seventh regiment, and 40 to that of the Cavalry Depôt, Canterbury.

LAW AND JUSTICE (IRELAND)—FRANCIS COOK, DRUMSNA.

MR. O'KELLY (Roscommon, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any steps will be taken by the police to prosecute Francis Cook for riotous conduct at Drumsna on the 2nd of March, and for presenting a revolver at Mr. Veich Simpson and a number of persons drawn together by Francis Cook's riotous conduct; Whether this Francis Cook is the same man who some time ago was arrested for shooting a child in Mohill; and, whether an inquiry will be ordered into the conduct of the police in not prosecuting Cook for disturbing the public peace?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, at the trial of the case the witnesses produced by Mr. Veich Simpson charged Cook neither with presenting a revolver at him or at anybody else. The police stated that no disturbance took place on the occasion referred to, and the sergeant at Drumsna said he did everything to facilitate the prosecution. It was the same Francis Cook who, five years ago, was arrested for shooting at a child in Mohill. He was not put on his trial at the ensuing Assizes, as the Grand Jury ignored the Bill sent up against him. The Irish Government did not consider it necessary to interfere further in the matter, as they considered that the constabulary had done their duty in the matter.

MR. O'KELLY asked, if the right hon. and gallant Gentleman was aware that the Judge before whom this case was brought stated that the man had produced a revolver, but he was not sure that he pointed it at this particular man; but he was sure that he had produced it and presented it at the crowd.

COLONEL KING-HARMAN said, he had answered the Question put before him—whether he was charged with presenting a revolver at Mr. Veich Simpson?

THE MARRIAGE LAWS—THE RECTOR OF MUCH WOOLTON, LIVERPOOL.

MR. E. R. RUSSELL (Glasgow, Bridgeton) asked the Secretary of State for the Home Department, Whether he is aware that there is being circulated by the authority of the Rector of Much Woolton, Liverpool, the following statement:—

"Marriages. All persons residing in the parish of Much Woolton must be married at the parish church, unless one of the parties to be married has been residing for 15 days prior to the granting of the licence or the publication of the banns in the parish or district belonging to the church in which they wish to be married. When one (or both) of the parties to be married is (or are) residing in this parish, unless the marriage be by licence, the banns must be published on three successive Sundays in this church; and when the parties reside in different parishes the banns must be published in both churches. Note.—persons infringing the Marriage Laws are liable to heavy penalties;"

whether there are in the parish Nonconformist places of worship, as well as a Registrar's Office, at which marriages may be legally performed; and whether steps will be taken to prevent the continued circulation of the above quoted statement?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: The Secretary of State has received a letter from the Rector of the parish, who has explained to him that the statement circulated by him, and quoted in the Question, was intended to give information as to the marriage law to members of the Church of England only. The Circular is only issued to members of the Church of England, and by the parocial visitors of the church. In order, however, to prevent any misunderstanding in the future, the Rector informs the Secretary of State that he will in re-printing the Circular so modify its opening words as to make it perfectly clear to everybody what is meant, and to what class of persons the statement applies. There are in the parish Nonconformist places of worship, as well as a Registrar's Office.

BRITISH GUIANA—ECCLESIASTICAL AFFAIRS.

MR. CROSSLEY (York, W.R., Sowerby) asked the Secretary of State for the Colonies, Whether the Court of Policy of British Guiana has passed an Ordinance for the establishment of a town at Bartika; whether it provides that one-third of the sums received for the lands formerly held at the pleasure of the Crown by the Bishop of Guiana shall be paid to the Bishop and his successors absolutely, for ecclesiastical purposes; whether the effect of this will be to convert a grant to the Church Missionary Society, held at the pleasure of the Crown, into a permanent endowment of the Bishopric; whether the Ordinance has been transmitted for the approval of the Crown; whether the Governor has also forwarded a Petition from the Congregational Union of British Guiana opposing such Ordinance; and whether he will advise a modification of the Ordinance, to meet the objection of the unendowed Religious Bodies in the Colony?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): I have received no official information from the Governor on the subject; but it appears from the Colonial newspapers that such an Ordinance has been passed by the Colonial Legislature, and that it contains practically the provision mentioned in the second part of the Question. The Ordinance has not yet been transmitted for the approval of the Crown. I am not prepared, therefore, to express an opinion as to the effect of that provision, or to consider whether I will advise a modification of the Ordinance until I have received the Ordinance itself, and the Report from the Governor and Attorney General upon it. The Petition referred to in the fifth part of the Question has not been forwarded to me.

LAW AND JUSTICE (IRELAND)—"KEVIL *v.* KING-HARMAN."

MR. T. M. HEALY (Longford, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Has his attention been called to the decision of the Queen's Bench in the case of "Kevil *v.* King-Harman," on 9th May, in which Thomas Kevil, who had been summoned by Colonel King-Harman for cutting turf on his own holding and fined therefor by the Boyle Bench, although a question of title was raised at Petty Sessions by his solicitor, Mr. M'Morrow, obtained a quashing of the conviction on *certiorari;* is it the fact that Kevil, in his affidavit, swore, in reference to Mr. Charles Webb, J.P., the agent of Colonel King-Harman, when his solicitor filed an affidavit that he applied for a conditional order by Kevil's authority, as follows:—

"Beirne (Colonel King-Harman's bailiff came to me in Boyle, and informed me that said

Charles Webb required me to attend in the estate office. I thereupon went to said office. Said Charles Webb said to me, 'We have been served with an order from the Queen's Bench; we have only a few days to send in a return; and what I want you to do is to make an affidavit that you did not instruct Mr. M'Morrow for this Law.' I replied, I would do no such thing, and immediately left the office;"

that a further affidavit was made by Mr. M'Morrow, that he had asked Mr. Webb, J.P., by letter, if this were true, and it was not denied in the answer sent, nor in the counter affidavits filed on Colonel King-Harman's behalf; and will the Government call the Lord Chancellor's attention to this sworn allegation against a magistrate, that he had endeavoured to tamper with a client of a solicitor?

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University) (who replied) said, that perhaps the hon. and learned Gentleman would allow him to answer the Question. He was informed the statements in the first, second, and third paragraphs of the Question were substantially correct. He was also informed, with respect to the subject of the second paragraph of the Question, that Kevil informed the estate surveyor that he did not want law, and that he did not instruct his solicitor, whereupon he was naturally asked to verify this statement by affidavit. This Kevil declined to do. Under these circumstances, there was no intention of calling the attention of the Lord Chancellor to the case.

MR. T. M. HEALY said, he would thank the right hon. and learned Gentleman to say if it was true that this man Kevil had filed an affidavit swearing as was set forth in the Question? He wished also to ask whether that sworn statement remained uncontradicted by this magistrate, who was the agent of Colonel King-Harman?

MR. HOLMES said, he had answered the Question already.

MR. T. M. HEALY gave Notice that on the Estimates he would call attention to this attempt on the part of an official Member of the Government to put pressure upon a tenant to make a statement in order to make it appear that his solicitor was a perjurer.

LABOURERS' (IRELAND) ACT— GRANARD GUARDIANS.

MR. T. M. HEALY (Longford, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Has the attention of the Local Government Board been drawn to the Resolution of the Granard Guardians protesting against the delay in making a Provisional Order for the scheme of labourers' cottages in that Union, inquired into by the Local Government Board Inspector nearly six months ago; and will attention now be given to the matter, as the summer is the best time for building?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Local Government Board had received the Resolution referred to, and the delay was owing to the extent of the scheme, and to the fact that further local inquiry was necessitated as a question of a change of site arose, and a Supplementary Report was required from the Inspector.

LAW AND JUSTICE (IRELAND)— QUARTER AND LAND SESSIONS AT GRANARD.

MR. T. M. HEALY (Longford, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, What is the cause of the delay in replying to the Memorial sent three months since to the Lord Lieutenant from Granard, County Longford, asking that the Quarter and Land Sessions should be held in that town; and, what determination have the Government come to?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, that before this Memorial could be considered some preliminary steps were necessary. These were duly carried out, and the matter was laid before the Lord Lieutenant in Council, and the decision of the Privy Council, to which it was referred, had not been come to.

MR. T. M. HEALY asked, if the right hon. and gallant Gentleman could say when it would come to a decision on the matter?

COLONEL KING-HARMAN said, the meeting of the Privy Council was to be fixed by the Lord Chancellor, and he had not yet fixed it.

POST OFFICE CONTRACTS (IRELAND)— MAIL BETWEEN BUNDORAN AND BUNDORAN JUNCTION.

MR. ARTHUR O'CONNOR (Donegal, E.) (for Mr. MAC NEILL) (Donegal, S.) asked the Postmaster General, If he would have any objection to state the terms of the contract, and the amount paid, for the conveyance of the mails by car between Bundoran and Bundoran Junction (or Ballinamallard); and, whether the Post Office Authorities consider the present arrangements adequate or satisfactory?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): The mail car in question works in connection with the night mail between Omagh and Enniskillen. It conveys the correspondence for 10 sub-post offices, and the districts dependent thereon. It runs at the rate of seven miles an hour, and the present payment is £320 a-year. The contractor has, however, given notice terminating the contract, and the new tenders are at the present time under consideration. The present arrangements are the best of which the circumstances admit.

EDUCATION DEPARTMENT — VACANT BUILDING LAND IN VICTORIA STREET, WESTMINSTER.

Mr. BARTLEY (Islington, N.) asked the Vice President of the Committee of Council on Education, Whether it is a fact that the valuable site of building land in Victoria Street, belonging to the United Westminster and the Grey Coat Schools, has been for years occupied simply by hoardings with advertisements; whether it is true that several applications have been made for the site for building purposes; and, whether he can say what rent the Charity receives for the hoardings, and at what amount they are assessed for local and Imperial taxation?

The VICE PRESIDENT (Sir William Hart Dyke) (Kent, Dartford): I have no information upon the points raised in my hon. Friend's Question; but I would suggest to him the advantage of addressing himself to the Governors of the Institutions named, several of whom are Members of this House.

INLAND REVENUE—PENSIONS IN THE SECRETARY'S DEPARTMENT.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked Mr. Chancellor of the Exchequer, Whether, owing to changes in the Secretary's Department of the Inland Revenue, nine clerks are to be placed on pension, the majority of whom have less than 40 years' service; whether they, or any of them, are to receive pensions based on full 40 years' service; whether also a new class of clerks, with salaries from £725 to £800 a-year, has been arranged, in addition to the existing class of principal clerks, whose salaries range from £600 to £700; whether the Treasury Authorities have satisfied themselves that the Service could not be more economically provided for; and, why such large establishment changes are being carried out in anticipation of the inquiry by the Royal Commission now sitting?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): The Treasury have recently sanctioned a re-organization of the Secretary's Department of the Inland Revenue on the basis of seven hours' work a-day instead of six. The principle which underlies the change is that the duties of the Department are in future to be discharged by fewer men with harder work and better pay, but at a reduced total cost to the State. I am glad to think that, acting on my suggestion, the Inland Revenue Department have been able to introduce a reform which will set an example that I hope may be followed with great advantage in other branches of that and other Offices. The staff of clerks has been reduced by nine, and consequently nine clerks retire. One of these has already earned his full pension, the other eight will receive the customary abolition terms, their vacancies not being filled. Five of them will receive pensions based on 40 years' service. Of these five one will have actually served 42 years, one 39¾ years, and the remaining three upwards of 30 years. A new class of Committee clerks, at the scale of salary named in the Question, forms a part of the scheme. The salaries involved in the new organization include duty pay, or, as it has been defined, special extra rates of payment attached to superior duties and work of a special character. This system, which has not been found to work well, will be entirely abolished under the present scheme. The Treasury is satisfied with the economies to be effected under this scheme. The new effective staff of the Office will cost less than the old effective staff by £4,300. The immediate saving, after deducting the whole of the pensions of the retiring clerks, is £460; but if we deduct, as it is more correct to do, only that portion of them which is not already earned, the saving amounts to £3,300. In view of the greatness of the saving, and the obviously desirable character of the reform in all respects, I have not thought it well to postpone its introduction pending the Report of the Royal Commission.

IRELAND—LAND COMMISSION COURT —JOHN SMITH, OF CURREMBLA, CO. SLIGO.

Mr. P. M'DONALD (Sligo, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that John Smith, of Currembla, County Sligo, tenant of Mr. Arthur Ormsby, Glen Lodge, County Sligo, applied to the Land Commission Court, on the 14th of November, 1885, to have a fair rent fixed for his farm, and, on the 31st of January, 1887, when the case was heard, a reduction was made from £70 9*s*., old rent, to £40, judicial rent; whether the said Mr. Ormsby, since the service of the originating notice for the fixing of a fair rent, has levied three separate distresses on this tenant; whether the last distraint was made on the 13th of May, with £3 costs, without any previous notice or demand for payment of rent; whether this last distraint for the old rent was for the gale falling due on the 1st of May last, thereby (as there is allowed in this case no running gale) distraining without notice, and with costs, for rent falling due only 12 days previously; whether the Parliamentary Secretary will take steps to prevent a repetition of such like distraints by withholding the services of the constabulary; and, whether the following (publicly posted) is a true copy of the "distraining notice":—

"Copy of distraining notice.

"To John Smith, and to whom it may concern.

"Take notice, that I, John Gillespie, of Carramore, in the County of Mayo, have this day, as bailiff to, and upon the authority of, Arthur Ormsby, esquire, of Glen Lodge, in the County of Sligo, distrained on the lands of Currembla, North County of Sligo, which you hold as tenant to the said Arthur Ormsby, the several cattle, goods, and chattels found upon the said lands for the sum of £35 4*s*. 6*d*., being rent due for the said lands and premises to the 1st May, 1887, as particulars at foot hereof, and that unless you pay the said rent and arrears, with all legal costs and charges, within 14 days from the date hereof, the said cattle, goods, and chattels will be sold according to Law. Dated this 13th day of May, 1887.

"Half-year's rent to the 1st May, 1887, £35 4*s*. 6*d*.

"Signed for above, 29 sheep, 12 lambs, John Gillespie?"

The PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, the Land Commissioners stated that the application to fix a fair rent in this case was made in the end of December, 1885, and the case was heard in January, 1887. The old rent was £70 9*s*., and it was reduced to £45. An appeal was lodged by the landlord, which was still pending. The policy of the Government in affording protection to Sheriffs and their officers in the execution of processes of Courts of Law had been already fully explained. The Government had no knowledge as to the distraints.

Mr. P. M'DONALD said, the right hon. and gallant Gentleman had not answered the paragraph inquiring whether the levies were put in only 12 days after the rent fell due?

Colonel KING-HARMAN said, he had no information as to that.

METROPOLITAN POLICE — EXTRA DUTY OF THE "A" DIVISION.

Mr. CHANNING (Northampton, E.) asked the Secretary of State for the Home Department, Whether on Monday, 9th May, the constables of the "A" Division, who had been on duty all night from 9.45 p.m. on Sunday till 6.15 a.m. on Monday, were compelled to attend parade at Buckingham Palace for two hours on Monday afternoon, when the Lord Mayor and Corporation of London presented an address to Her Majesty the Queen, and that the same men had to go on night duty again at 9.45 p.m. on Monday; whether, on Friday, 13th May, the night duty men of the same Division had to turn out during the day for an hour's drill at Wellington Barracks; that they went on duty again at 9.45 p.m. on Friday to 6.15 a.m. on Saturday; that they had to parade again in another suit of clothes at 12 midday, march to the line of route on the occasion of Her Majesty the Queen's visit to the East End of London, and remain on duty for eight hours, and then had to turn out on ordinary night duty at 9.45 p.m. on Saturday; what are the present

Regulations for the Police Force as to extra hours of duty and extra pay for such duty; and, whether, in view of the health of the men and the necessity for night duty being efficiently carried out in the Metropolis, he will recommend any alterations in the Regulations?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: The Secretary of State is informed that the statement as to duty done by the police in question is substantially correct, at least so far as a portion of the night duty men are concerned. The extra duty on the 9th and 14th was on exceptional occasions; and on such occasions extra duty must necessarily be undergone, and, as the Secretary of State believes, always has been undergone by members of the Metropolitan Police Force without any complaint. The drill of Friday, May 13, was fixed entirely to suit the comfort and convenience of the men. There are no Regulations as to extra pay for extra duty. Constables are liable to be called upon for duty at any time; but if a constable gets extra duty one day he is compensated by getting less duty another day. The Secretary of State has no reason to believe that the health of the men is impaired, or that the night duty is inefficiently carried out.

HIGH COURT OF JUSTICE IN IRELAND—TRANSFER OF CLERKS.

MR. ARTHUR O'CONNOR (Donegal, E.) asked Mr. Chancellor of the Exchequer, Whether it is a fact that Mr. Walter Hare, a supernumerary clerk in the Land Judges' Division of the High Court of Justice in Ireland, has been appointed a junior clerk in the Chancery Division of the said High Court, without passing the competitive examination prescribed for such clerks in the Irish Judicature Act of 1877; whether the attention of the Treasury has been directed to the appointment by nomination of clerks in those Divisions of the High Court, where the patronage reserved to the Judges by said Act has not yet lapsed, and the subsequent transfer of these clerks, as vacancies occur, to the Divisions of the High Court where such patronage has lapsed, in connection with the provisions of the 73rd section of the Irish Judicature Act of 1877; and, why the course adopted in 1883 and 1885, in filling up vacancies in the Chancery Division, was not followed in the present case?

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.) (who replied) said: I understand that the question of the validity of the transfer of a clerk from one Division of the High Court of Justice in Ireland to fill a vacancy in another Division has been submitted for the opinion of the Irish Law Officers, who have advised that the requirement as to open competition relates only to the appointment of a person for the first time to an office in Court, and does not exclude promotion among the existing offices.

MR. ARTHUR O'CONNOR asked, whether the Treasury Authorities had considered whether this system was not practically an evasion of the Judicature Act; and why the course adopted in 1883 and 1885 on a similar occasion had been departed from on the present occasion?

MR. JACKSON said, the Treasury had no power in the matter. The appointment did not rest with them, and the legal validity of it had been decided by the Law Officers.

MR. ARTHUR O'CONNOR gave Notice that he would call attention to this subject on the Vote for Law Charges in Ireland.

MR. T. M. HEALY (Longford, N.) asked, was it the view of the Treasury that when a clerk was appointed temporarily he could then be transferred afterwards over the heads of the others without passing any competitive examination? He wished to know if the English Law Officers had been consulted on the subject, and if they concurred with their Irish brethren?

MR. JACKSON said, he was not aware that the question had arisen.

MR. T. M. HEALY: That is the question.

MR. JACKSON said, this related to the appointment of a special person over whom they had no control. If the hon. and learned Member put a Question on the Paper he would be very glad to answer it.

MERCHANT SHIPPING ACTS—LOSS OF THE S.S. "CARMONA."

MR. EDWARDS-MOSS (Lancashire, S.W., Widnes) asked the Secretary to the Board of Trade, Whether his attention has been called to the case of the S.S. *Carmona*, 3,714 tons gross register, a vessel built especially for cotton, and classed 100 A 1 at Lloyd's, which sailed from Barrow on February 23rd last, with a cargo of pig iron for America, and has lately been posted at Lloyd's as missing; and, whether it is the intention of the Board of Trade to institute a full inquiry into the loss of this vessel?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The Board of Trade have ordered a formal inquiry to be held into the case of the steamship *Carmona*, which is reported as missing. I may add that a letter has been received from the owners stating that it is not the fact that the *Carmona* was a vessel built especially for cotton.

POST OFFICE—RAILWAY AND TELEGRAPH CLERKS—COMPENSATION.

MR. O. V. MORGAN (Battersea) asked the Postmaster General, Whether he has yet settled the amount of compensation to be paid to the railway and telegraph clerks who have been deprived of their commission on the sale of stamps?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): In reply to the hon. Member, I am glad to be able to state that the terms of compensation have been settled with several Railway Companies, and are in progress with the others.

NORTH BORNEO—OPERATIONS AGAINST THE NATIVES.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.) asked the Under Secretary of State for Foreign Affairs, Whether the attack by the Governors of British North Borneo on the natives of Darvel Bay, in June last, was reported by the authorities of the North Borneo Company to the Secretary of State, and was approved by him, especially the burning of villages, and destruction of paddy, &c.; whether the authorities of the North Borneo Company have power to requisition Her Majesty's Navy to assist them in wars in which they may engage without the previous consent of Her Majesty's Government; and, whether there is any systematic control over the Political and Military operations of the North Borneo and Royal Niger Companies, such as was exercised by the Board of Control over the East India Company?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The proceedings of the British North Borneo Company authorities in Darvel Bay last June were reported to Her Majesty's Government and approved by them, but not "especially the burning of villages and destruction of paddy, &c." I presume that the etcetera refers to the arms and war canoes. A Report of the proceedings was presented to Parliament and printed on April 29. Her Majesty's naval officers are directed to give aid to the Company in cases of emergency without referring to the Admiralty for orders. On the occasion in question prompt action was considered to be justified. The circumstances were that—

> "A lawless tribe, several thousands in number, notorious for their acts of kidnapping, piracy, and slave-dealing, attacked a settlement of the British North Borneo Company, which they kept in a state of siege and terror. They refused to parley, and proceeded to attack Her Majesty's ships. Commander Hope's prompt action will probably result in the cessation of piracy and kidnapping in those waters."

There is a systematic control over the political and military operations of the North Borneo and Royal Niger Companies; but these are not yet of such dimensions as to require a separate Department of Her Majesty's Government.

ADMIRALTY — SPECIAL NAVAL PENSION TO WIDOW OF STAFF COMMANDER W. M. SAVAGE.

MR. NORRIS (Tower Hamlets, Limehouse) asked the First Lord of the Admiralty, If he will state why the Special Naval Pension of £140 per annum is not awarded to Mrs. Savage, the widow of Staff Commander W. M. Savage, instead of the ordinary pension of £80 per annum; whether this officer, although serving under the Board of Trade at the time of his death, had not, before consenting to take the appointment, stipulated for and obtained official sanction, that such service should be considered as "Full Naval Service," counting towards increase of full pay, half-pay, and retirement; whether the Admiralty requested the Treasury, on 14th December, 1882, also to sanction such arrangement, and whether the Treasury granted such request by Treasury Letter of 8th January, 1883; and, if the non-award to Mrs. Savage of the Special Naval Pension of £140 a-year will be reconsidered?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): A widow is only entitled to a special pension upon proof that her husband's death was directly attributable to extraordinary exposure or exertion on service. The circumstances attending Staff Commander Savage's death do not come within that category. I cannot re-open the question.

CURRENCY—THE SILVER COINAGE.

MR. E. HARDCASTLE (Salford, N.) asked Mr. Chancellor of Exchequer, Whether his attention has been drawn to the great inconvenience arising from the insufficient supply of small silver coin now in circulation; and, whether he will take into consideration the practicability of largely increasing the issue of shillings and sixpences, instead of adding to the already excessive supply of large coins, especially florins, by the issue of double florin pieces?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): The issue of shillings and sixpences can be largely increased at once if the public will but ask for them of their bankers. Employers of labour, tradesmen, and other persons constantly requiring change can at once get what they want, and will assist their customers by insisting on having as many shillings and sixpences as they require. The additional trouble of counting the smaller coins and of sorting appears to have acted as a deterrent to the free issue of shillings and sixpences; but there is no reason why it should be so. Silver coin is not issued by the Mint direct to the public, but is passed into circulation in England and Wales through banks. Every country banker has a banker who is his agent in London, and every London banker has an account at the Bank of England. If in any district there is a deficiency of silver coin, the bankers of the district are the first to find it out. They write to their London agents, who obtain what silver coin is required from the Bank of England, and send it to the country bankers. If there is a deficiency in London, the London bankers can, of course, make direct application to the Bank of England for the amounts they themselves require. When the stock in the Bank of England becomes diminished, it makes application to the Mint, and supplies of coin of any denomination can be obtained. At the present moment there is a good supply of both shillings and sixpences awaiting issue, and perfectly ready to perform their duty. The following are the amounts of each coin held by the Mint and the Bank of England respectively:—Shillings.—In the Mint, £34,413 worth; in the Bank of England, £264,600 worth; total, £299,013 worth. Sixpences.—In the Mint, £31,004 worth; in the Bank of England, £10,900 worth; total, £41,904 worth. So that there are shillings of the value of nearly £300,000, or 6,000,000 pieces, and sixpences of the value of £42,000, or 1,680,000 pieces, ready for immediate issue. The existence of this large stock at the Bank of England is due to a part of these coins in circulation having been returned. It would seem, from the above figures, that the public should have no difficulty in obtaining as much coin of each denomination as they may require. It may be, however, that the practice of bankers not to sort the silver coin which they receive, but to pay it out again in bags containing certain amounts without reference to the denominations of the individual coins, may be an inconvenience to the public, who may, in this way, not receive the amounts of shillings and sixpences which they require. The remedy for this evil is, of course, in the hands of the public themselves, who should call upon their bankers to give them precisely the coins which they require; but communications will be at once made to the Chairman of the Committee of London Bankers, and to the President of the Country Bankers' Association, asking them to co-operate in meeting the legitimate wants of bank customers. With regard to the action of the Government, it is unnecessary to point out that in the case of a token coinage, like that of silver in this country, on the issue of which the State makes a large profit, and which cannot be used for payments of more than 40*s.*, it is the imperative duty of the Government not to permit issues to be made in excess of the *bonâ fide* requirements of the public, lest the coins should become depreciated. It is obviously prudent, therefore, that silver coin should only be issued through bankers, who are best able to judge what those requirements really are.

Mr. DILLON (Mayo, E.) inquired whether there was not an immense number of foreign silver pieces in circulation in the country?

Mr. GOSCHEN said, he did not think it was true that there was an immense number of foreign coins in circulation; but he had heard of the appearance of certain false coins, though not to any great extent. Of course, it was a matter that required to be carefully watched.

ROYAL IRISH CONSTABULARY—CONVICTIONS FOR ASSAULT.

Mr. FINUCANE (Limerick, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Constables John Goold and William Crawford, Hospital, County Limerick, and John Barry, Elton, same County, were convicted, on 16th April last, at Limerick Quarter Sessions, by a jury, of an assault on three members of the Kilteely fife and drum band; whether the jury awarded the plaintiffs £10 damages against the constables; whether these men are still in the force; and, whether the Constabulary authorities have inflicted any punishment on them for their violation of the law; and, if not, what course do Government intend to take in the matter?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, the facts were substantially stated in the Question. These men were still in the Constabulary. Bills would be presented against them at the forthcoming Assizes. No action had been taken by the Constabulary authorities, as the matter was still *sub judice*.

CIVIL SERVICE—THE LOWER DIVISION—EXAMINATIONS IN DUBLIN.

Mr. TUITE (Westmeath, N.) asked the Secretary to the Treasury, Whether the examinations for Men Clerkships, Lower Division, Civil Service, usually held in Dublin during the current month, have been postponed; and, whether, having regard to the inconvenience and loss which the delay will inflict upon candidates, an early date will be fixed for the examinations?

The SECRETARY (Mr. Jackson (Leeds, N.): The examinations for Lower Division Clerkships at othe centres as well as Dublin were postponed owing to the small number of the probable vacancies as compared with the number of clerks waiting for employment. I am sorry for the inconvenience caused to intending candidates; but it is obvious that the time for holding examinations can be determined only by the requirements of the Service.

Mr. TUITE asked, if the hon. Gentleman could give the probable date of the next examination?

Mr. JACKSON said, he did not like to fix the date, for the very obvious reason that that date must be determined very largely by the number of vacancies. But, without pledging himself, he thought he might be justified in stating that it was intended in the ordinary course to hold one about August.

EDUCATION DEPARTMENT—THE RECENT DISTURBANCES AT EXETER TRAINING COLLEGE.

Mr. SYDNEY BUXTON (Tower Hamlets, Poplar) asked the Vice President of the Committee of Council on Education, What was the result of the inquiry instituted by the Education Department, through Her Majesty's Inspector of Training Colleges, into the disturbances which lately took place at Exeter College; whether it appeared that the complaints of the second year students respecting the instruction in mathematics were well founded; whether the Principal was justified in rusticating two students; and, whether any subsistence allowance has been made to these students during their enforced absence from the College?

The VICE PRESIDENT (Sir William Hart Dyke) (Kent, Dartford): Apart altogether from the question of the capacity of a mathematical lecturer, there is no doubt that gross acts of insubordination were committed by students of the College. The Principal, in my opinion, was justified in rusticating two students, who have, so far as I can judge, no claim to a subsistence allowance. The Inspector, after holding his inquiry, has suggested a re-arrangement in regard to the lecturers at the College, and we have written in support of the suggestion to the authorities.

LAW AND POLICE (IRELAND)—DENIS LYNCH, AN "EMERGENCY MAN."

MR. HOOPER (Cork, S.E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received any affidavits to sustain the allegation that an emergency man named Denis Lynch, engaged at the eviction of a tenant named Barrett, at Monkstown, County Cork, while under the influence of drink, presented a revolver at a number of women in Barrett's house, though no resistance was being offered to the eviction; and, if so, what steps the Executive will order in the matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, that no such affidavits had been received by the Irish Government.

MR. HOOPER asked, if the right hon. and gallant Gentleman had not received that evening four or five affidavits addressed by himself to the Chief Secretary for Ireland?

COLONEL KING-HARMAN said, he was sorry to say he had not. He saw a note addressed to the Chief Secretary for Ireland just now, and possibly it contained these affidavits. But perhaps he might be permitted to add that if these affidavits were made or forwarded it hardly made much difference; because in a matter of this kind the proper course for aggrieved persons to adopt was to make informations, and proceed by summons or warrants.

MR. HOOPER: Will the right hon. and gallant Gentleman state that the Chief Secretary for Ireland will be in his place and answer the Question?

COLONEL KING-HARMAN: I cannot say that.

MADAGASCAR—CAPTURE OF NATIVES BY THE FRENCH AND TRANSPORT TO REUNION.

MR. ATKINSON (Boston) asked the Under Secretary of State for Foreign Affairs, Whether information has reached him that, as stated in public newspapers, Natives are captured and shipped from the port which the French hold on the Western Coast of Madagascar to a French Colony on the Island of Réunion; and, if not, whether he will make inquiry as to the truth of the statement; and, in case the report is true, will Her Majesty's Government make representations against such re-opening of the Slave Trade?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): I stated about three months ago that grave abuses of the sort had occurred. The forced shipment of Natives did not, however, take place from a port in French occupation. As I then informed the House, energetic measures had been taken by the British and French Authorities; a British man-of-war has since visited the port in question, and it is believed that a stop has been put to the practice.

CROFTERS' HOLDINGS (SCOTLAND) ACT, 1886—EVICTION OF ALEXANDER TAYLOR, CO. ELGIN.

MR. ANDERSON (Elgin and Nairn) asked the Lord Advocate, Whether the Government are aware that Alexander Taylor is about to be evicted, at Whitsuntide, from his croft and house, at Lake of Moy, in the County of Elgin, the land having been enclosed, and the house built, by and at the expense of the father-in-law of Taylor 50 years ago; that Taylor has occupied the croft for several years, and has fulfilled all the conditions required by "The Crofters' Holdings (Scotland) Act, 1886;" whether, having regard to the fact that such an eviction could not take place in the adjoining County of Inverness by reason of the provisions of the Crofters Holdings Act, the Government will endeavour to prevent the threatened eviction being carried out on the 25th May, by means similar to those recently used in Ireland by Sir Redvers Buller; and, whether the Government will consider the expediency of extending the Crofters' Holdings Act to the crofters and cottars in the Counties of Elgin and Nairn.

THE SOLICITOR GENERAL FOR SCOTLAND (Mr. J. P. B. ROBERTSON) (Bute) (who replied) said: The Lord Advocate has been informed that Alexander Taylor is removing from the Lake of Moy at Whitsun Day on an arrangement ,by which he receives a gratuity, and he is to occupy other premises on the same property. The Government have no intention of interfering in the matter, and are not prepared to make any proposal to extend the Crofters' Holdings Act to any other parts of Scotland. The matter was debated when the Crofters' Act was before the House last year, and an Amendment to that effect was negatived.

"THE BOARD OF TRADE JOURNAL"—CONTRACT FOR ADVERTISEMENTS.

MR. MONTAGU (Tower Hamlets, Whitechapel) asked the Secretary to the Board of Trade, What precedents exist for the insertion of advertisements in Government periodical newspapers; whether he is aware that advertisements were at one time inserted in *The Postal Guide*, but were withdrawn after representations were made by the trade; whether the Treasury was consulted, and gave its authority for the insertion of advertisements in *The Board of Trade Journal;* and, whether the contract for advertisements in *The Board of Trade Journal*, made by the Stationery Office, was put up to tender or competition; and, if not, on whose authority was the contract given to the present holders?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): Advertisements appear in the *Army* and *Navy Lists* and the *Customs Bill of Entry*. The Board of Trade have no information as to the statements contained in the Question with regard to *The Postal Guide*. The contract for advertisements in *The Board of Trade Journal* was not put up to tender; but was, as is usual, made by the Stationery Office, with the authority of the Treasury, and, in this case, with the concurrence of the Board of Trade.

ARMY — AUXILIARY FORCES — THE VOLUNTEER CORPS — THE NEW REGULATIONS AS TO SHOOTING.

COLONEL EYRE (Lincolnshire, Gainsborough) asked the Secretary of State for War, What will be the position of those Volunteer Corps which have commenced their musketry course on the old system, in consequence of the delay in the issue of the New Regulations?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): For the present year Volunteers will shoot under three different conditions. First, individual Volunteers who have completed their musketry course under the old Regulations will be classified for efficiency according to those Regulations; secondly, individual Volunteers who have commenced, but not finished, their course under the old Regulations may complete their course and be classified for efficiency according to either the old or new standard, at the discretion of the Commanding Officer; thirdly, individual Volunteers who had not commenced their practice before the issue of the New Regulations must carry out their musketry course according to the New Regulations. The full grant of 35*s.* will be given to men who qualify in any of the above ways.

METROPOLITAN POLICE—DUTY AT THE HOUSE OF COMMONS.

MR. O'HANLON (Cavan, E.) asked the Secretary of State for the Home Department, How many hours constitute a day's work for constables; will he recommend that each man engaged in and about the House of Commons be paid for any overtime; and, whether he will say the reason given by Sir Charles Warren for refusing to pay for overtime (with one exception) for the last six months?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) Sheffield, Hallam) (who replied) said: The hon. Member seems to be under an entire misapprehension as to the position and duties of a police constable. Like a soldier or a sailor, a police constable is at all times liable to duty. The Commissioner tries to arrange the duties of his force in such a way that no man shall, as a rule, have more than eight hours' continuous work. The Secretary of State has nothing to add to his reply of Friday, except that all the constables at the House of Commons have now been asked if they would prefer to be paid as other constables are, and receive refreshment allowance for overtime, and each man prefers the present arrangement.

FISHERIES (SCOTLAND)—FISHERMEN'S COTTAGES ON THE EAST COAST.

MR. ESSLEMONT (Aberdeen, E.) asked the Lord Advocate, Whether the Secretary for Scotland has yet considered the subject of dealing with the present unsatisfactory tenure and other conditions of fishermen's houses on the East Coast of Scotland; and, if so, how the Government propose to deal with the subject?

THE SOLICITOR GENERAL FOR SCOTLAND (Mr. J. P. B. ROBERTSON) (Bute) (who replied) said, that the matter was at present under consideration; and it was not yet settled whether the question could be dealt with by the Government, and, if so, in what manner it could be dealt with to the best advantage.

NORTH BORNEO—OPERATIONS AGAINST THE NATIVES — H.M.S. "ZEPHYR."

MR. W. J. CORBET (Wicklow E.) asked the First Lord of the Admiralty, Whether his attention has been called to the Return just laid upon the Table relating to the "recent operations of H.M.S. *Zephyr* against the Natives of North Borneo;" whether the operations referred to have arisen out of a dispute in reference to the collection of edible birds' nests by the Natives, and were taken under the advice of Governor Treacher, the Assistant President of Silam, and two officers of the North Borneo Company; whether it is a fact that an armed party from the *Zephyr*, "with Governor Treacher at their head," destroyed the boats, burnt the villages, and destroyed the arms and food, having first shelled the Natives out of their houses, and driven men, women, and children into the jungle; whether he has noticed the following passage in the Report of the Commander of the *Zephyr* :—

> "I trust my action in this matter will meet with your approval and that of the Commander-in-Chief;"

and, whether Her Majesty's Government has expressed approval of such action?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): I am acquainted with the contents of the letter in question, from which the hon. Gentleman correctly quotes certain extracts. He has omitted to notice that the Report in question concludes as follows:—

> "From what I heard at Silam, I certainly consider that any delay would have caused much loss of life, while at present the loss on our side is *nil*, and I imagine the pirates are more frightened than hurt."

The Government approve Commander Hope's action.

BURMAH—LICENSING AND REGULATION OF IMMORALITY.

MR. ATKINSON (Boston) asked the Under Secretary of State for India, Whether it is true that arrangements are made in Burmah, with a view of protecting the health of soldiers, by which prostitution is regulated; if he would inquire whether such regulations may not act as a temptation to vice to young soldiers;' and, if he would state by what department such regulations are instituted and maintained?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): Full information respecting the arrangements referred to was laid before Parliament in a Return moved for by the hon. Member for Shoreditch. The regulations are instituted and maintained by the Governor General and the Governors in Council under the authority of the Indian Law. The Secretary of State has no reason to believe that the regulations are such as to act as a temptation to vice; but, out of regard to the wishes of the hon. Member, he has referred the question to the Government of India for report.

LUNATIC ASYLUMS (IRELAND)—RICHMOND DISTRICT LUNATIC ASYLUM.

DR. KENNY (Cork, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Under what authority the Governors or Resident Medical Superintendent of the Richmond District Lunatic Asylum refuse to admit into that Institution poor persons properly certified as insane unless certified as dangerous lunatics by Divisional Magistrates of the City of Dublin; whether he is aware that there are at present in the wards of the North Dublin Union 66 female and 27 male lunatics, for whose proper treatment no arrangements exist within the union, or under the existing state of things can be made; and whether he will direct the Governors of the Richmond Asylum to receive, as far as accommodation will permit, all lunatics properly certified as such, whether violent, or dangerous, or otherwise?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The practice with regard to Richmond Asylum appears to be to receive all lunatics, so far as accommodation permits, who, in the opinion of the Governors, are properly certified, and suitable cases, whether violent, dangerous, or otherwise. One of the Inspectors of Lunatics reports, with respect to the lunatics in the North Dublin Union, that they are, for the most part, aged and inoffensive persons, who can with due care be satisfactorily treated there, and that when necessity arises they are transferred to the Richmond Asylum.

DR. KENNY asked, if the right hon. and gallant Gentleman could say whether the Governors of the Richmond Lunatic Asylum actually refused to receive lunatics from the North Union, though they had been properly certified as lunatics by himself?

COLONEL KING-HARMAN could not say; but he would deal with the Question if the hon. Member put it down.

DR. KENNY gave Notice that, on going into Committee of Supply, he would call attention to the subject.

METROPOLITAN POLICE—DUTIES OF THE POLICE SERVING IN THIS HOUSE.

MR. GENT-DAVIS (Lambeth, Kennington) asked the Secretary of State for the Home Department, Whether it is a fact that the police employed in the House of Commons, and doing such long hours, are sent on Sunday to do duty in Hyde Park; whether they do on an average some 16 hours' overtime per week; and, whether Chief Commissioner Warren has any claim whatever upon their services, the men being paid for by the Government?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: It is a fact that constables employed in the House have occasionally been sent to do duty in Hyde Park, if their services are required there. It is not a fact that they do an average of anything like 16 hours' overtime per week, although, no doubt, the protracted Sittings of the House, and the repeated meetings in the Parks, have of late thrown some extra duty on the police. All police-constables in the Metropolis are directly under the orders of the Commissioner of Police, and are liable to do any duty which he considers requisite.

LABOURERS (IRELAND) ACTS—GUARDIANS OF THE CARRICKMACROSS UNION.

MR. P. O'BRIEN (Monaghan, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he can explain the delay of the Local Government Board in sending their Inspector to inquire into and report upon the improvement scheme for the erection of labourers' cottages adopted by the Board of Guardians of the Carrickmacross Union; whether he will cause the Local Government Board to attend to this matter without further delay; and, whether he can name the date upon which the inquiry will be held?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, there did not appear to be any unnecessary delay in this case. All the documents in connection with the case were not in the hands of the Local Government Board until the 14th instant. They hoped soon to be able to make arrangements for holding an inquiry, having due regard to the claims of other Boards of Guardians.

MR. T. M. HEALY (Longford, N.) asked, whether the right hon. and gallant Gentleman had any objection, during the Recess, to look into the question of the delay in making Provisional Orders by the Local Government Board, and ascertain whether that was owing to a want of Inspectors, or to the fact that the legal preliminaries took an unnecessarily long time, in consequence of the fact that there was only one gentleman in charge of the Legal Department?

COLONEL KING-HARMAN said, he would make inquiry into the matter, and pointed out that in this case there was no unnecessary delay, as the necessary Papers were not in the hands of the Local Government Board.

MR. T. M. HEALY said, that what he asked was that there should be an inquiry into the subject generally, because almost every Board of Guardians in Ireland was complaining of the delay.

MR. P. O'BRIEN asked, if the right hon. and gallant Gentleman could now say when the inquiry would be held?

COLONEL KING-HARMAN said, he thought it would be held at the end of the month; but he could not absolutely fix the date.

PARIS EXHIBITION, 1889.

MR. H. T. DAVENPORT (Staffordshire, Leek) asked the Under Secretary of State for Foreign Affairs, What are the facilities which this Government are prepared to afford at the coming Paris Exhibition to English exhibitors; and, whether he is aware of the importance which they attach to the appointment by their Government of some person to assist and advise them and to protect their interests?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The particular facilities to be afforded will depend chiefly upon the number and the wishes of intending exhibitors from this country; and steps will be taken to ascertain these when the arrangements for the Exhibition proposed to be held in 1889 shall have assumed a formal shape.

ADMIRALTY—SHEERS AT PEMBROKE DOCKYARD.

ADMIRAL MAYNE (Pembroke and Haverfordwest) asked the First Lord of the Admiralty, Whether he has yet had time to consider and decide upon the Estimate for erecting sheers at Pembroke, which was officially sent in to the Admiralty on the 31st March; whether, in view of the small sum for which the present obsolete sheers can be replaced by efficient ones, he still intends to run the risk, which must to some extent exist, of sending the *Aurora* and *Nile* to another port without their engines; and, whether sending vessels built at one port to be engined and boilered at another causes delay in their completion, and consequent additional expense to the country?

THE FIRST LORD (Lord GEORGE HAMILTON) (Middlesex, Ealing): It has been decided not to erect the sheers at Pembroke at present. It is believed that arrangements can be made for putting in the engines and boilers of the *Nile* at Pembroke, and that it will only be necessary to send the *Aurora* elsewhere. As a matter of economy, there is no practical difference in the cost as between vessels sent from Pembroke to another yard before they are engined, or retained at Pembroke till the stage of progress is reached at which they could have their engines placed on board.

PUBLIC MEETINGS (IRELAND)—INTERFERENCE OF THE POLICE AT DUNGANNON.

MR. M. J. KENNY (Tyrone, Mid) asked the Chief Secretary to the Lord Lieutenant of Ireland, By what right, and under what authority, a party of constables, under the command of a Resident Magistrate named Mayne, broke into the private grounds of Mr. W. Moffett, of Dungannon House, on Thursday 19th instant, and attacked with batons a number of persons assembled therein; if, at the same time, and notwithstanding a proclamation signed by certain magistrates and publicly posted up, which warned people not to assemble in Dungannon on that day, an organized crowd gathered at the Railway Station to receive the Rev. Dr. Kane, a prominent Orangeman, who came from Belfast to address a public meeting at Dungannon, and carried out his intention without interference from the police or magistrates; and, if he will state why the measure of toleration extended to Orangemen in the town of Dungannon was refused to Nationalists, who met in a private place a mile distant?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, he had nothing to add to what the Chief Secretary for Ireland had already said with regard to the prohibition of this meeting at Dungannon. The reason for the interference of the Resident Magistrate was because one of the meetings was being held out-of-doors, on the ground of Mr. Moffett, in defiance of the Proclamation. There was really no attack by batons on the persons assembled, and the meeting was subsequently held in a building without being interfered with. There was no attempt to hold the other meeting outside. It was held in a building, and there addressed by Dr. Kane. Practically, the same course was adopted with regard to both meetings.

MR. M. J. KENNY asked, did the Orangemen not proceed in procession from the railway station to the Town Hall, and why was not that prohibited?

COLONEL KING-HARMAN said, the Question on the Paper had only reference to public meetings, and he had answered it.

MR. M'CARTAN (Down, S.) asked if the right hon. and gallant Gentleman was aware that Mr. Moffett had commenced proceedings against the Resident Magistate for the recovery of £500 for damage done to him on the occasion?

COLONEL KING-HARMAN said, he was not aware of it.

MR. WADDY (Lincolnshire, Brigg) asked, whether it was not a fact that, although they had been informed that Dungannon was to be proclaimed for both parties, the Orangemen were allowed to assemble and walk in procession through the street, while the Nationalists were prevented from doing so?

COLONEL KING-HARMAN said, that both parties had a sort of procession, but one party held their meeting in a building; but the other attempted to hold a meeting in the open, which was prohibited.

SEA AND COAST FISHERIES (IRELAND) —TRAWLING IN DONEGAL BAY.

MR. ARTHUR O'CONNOR (Donegal, E.) (for Mr. MAC NEILL) (Donegal, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any formal order as to the result of their investigation has been promulgated by the Fishery Commissioners who held inquiries last year in the towns of Donegal and Killybegs, on the question of permitting trawling in Donegal Bay; and, whether he is aware that in consequence of the absence of any authoritative pronouncement on the subject the peace is likely to be endangered, in consequence of disputes between the ordinary fishermen and the trawlers?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: No such order has been issued, as the case of Donegal Bay can only be dealt with in connection with the general question of trawling on the Coast of Ireland, which will be considered when the necessary inquiries have been completed. The Government are not aware that the peace is likely to be endangered.

In reply to Mr. CHANCE (Kilkenny, S.),

COLONEL KING-HARMAN said, he was informed that the Fishery Commissioners had not the facilities afforded by the presence of a steamer.

MR. T. M. HEALY (Longford, N.) asked if the right hon. and gallant Gentleman had any information to the effect that, owing to the hostile action of the fishermen against the trawlers, the revenue cutter had been invited to protect the trawlers?

COLONEL KING-HARMAN said, he had no information as to that. The only information he had received was that some of the linesmen would oppose by every Constitutional means the course of action of one of the trawling vessels.

MR. MAURICE HEALY (Cork) asked why the Fishery Commissioners had not issued an order announcing their decision on the subject of the inquiry held by them?

COLONEL KING-HARMAN said, he had already stated that they did not intend to issue a special order with regard to Donegal Bay until they issued an order with regard to all the bays on the West of Ireland.

COMMISSIONERS OF IRISH LIGHTS— LIGHTHOUSE KEEPERS AND THEIR FAMILIES.

COLONEL NOLAN (Galway, N.) asked the Secretary to the Board of Trade, If Regulations have been lately issued by the Irish Board of Lights forbidding lighthouse keepers to retain boats at their stations; and, if so, could he so modify the Regulation as to afford the families of the lighthouse men reasonable opportunities of attending Divine Service, attending school, and calling for medical assistance in cases of emergency?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): The Commissioners of Irish Lights, some years ago, found that the habit of lighthouse keepers absenting themselves from their station in boats was often the cause of interruption to the service and of danger to the men themselves. They, therefore, decided to prohibit the keeping of boats at lighthouse stations. The matter was again under consideration in 1885, when the Commissioners saw no reason to alter their former decision. To meet cases of emergency, a system has been arranged by which keepers can communicate by signal with the shore.

COLONEL NOLAN asked if there was any provision made to enable them to attend Divine Service and school?

BARON HENRY DE WORMS said, the only opportunity that could be afforded would be the one which arose when a steamer called at the lighthouse bringing provisions and other necessaries. The Commissioners could not alter the Regulations they had made prohibiting boats being constantly at lighthouses for the reasons he had stated.

COLONEL NOLAN: Am I to understand that they are to have no opportunity of attending Divine Service or school?

Baron HENRY DE WORMS said, these Regulations related to the time when the men were on duty.

POST OFFICE (IRELAND)—CARRIAGE OF MAILS TO KILMALLOCK.

Mr. FINUCANE (Limerick, E.) asked the Postmaster General, Is there a day mail from Bruff and Kilfinnane, two of the most important towns in East Limerick, to Kilmallock; if so, is there a despatch of such mails from Kilmallock to Limerick, the capital of the county; and, if not, could one be despatched; does a day mail to Limerick pass by Bruree Railway Station, which is convenient to Kilmallock; and, has a car owner at Kilmallock proposed to carry the mails to Bruree on reasonable terms; and, if so, will some such arrangement be made, to establish a day mail between Limerick and the above-mentioned towns?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): There are day mails from Bruff and Kilfinnane to Kilmallock. These mails do not at present reach Kilmallock in time for the despatch by the day mail to Limerick, which is sent by way of Charleville. The train which conveys this day mail to Limerick passes Bruree Station, which is about four miles from Kilmallock. No offer for the conveyance of mails from Kilmallock to Bruree Station by car has been received. A later despatch to Limerick might be afforded, which would include the day mail letters from Kilfinnane and Bruff if the bag were sent by car to Bruree to catch the train at that point; but a still better service might be afforded by despatching a bag from Kilmallock by the up day mail train *viâ* Limerick Junction, from which point there is now a train to Limerick, reaching Limerick at 4.30 p.m. The question of making this arrangement is under consideration.

PUBLIC MEETINGS (IRELAND)—NATIONALIST MEETINGS IN ULSTER.

Mr. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the meetings lately convened by Protestant Home Rulers at Armagh and Caledon were proclaimed by the Government, after the announcement of counter demonstrations, to be held at the same time and place, by so-called Loyalists; and, whether it is the intention of the Government to proclaim all meetings of Nationalists in Ulster whenever other persons thus threaten to hold counter demonstrations at same time and place, in opposition to the Constitutional rights of peaceable citizens?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: These meetings were prohibited by the local magistrates. The Government have nothing to add to the statement of policy made on their behalf by my right hon. Friend the Chief Secretary during the debate on the subject on Friday last.

Mr. CHANCE (Kilkenny, S.) asked, whether the right hon. and gallant Gentleman knew that the magistrates alleged that any illegality or breach of the peace had been committed prior to the proclamation of these meetings?

Colonel KING-HARMAN said, he presumed not. He presumed the magistrates acted for the purpose of preventing a breach of the peace.

ROYAL IRISH CONSTABULARY—ALLEGED MISCONDUCT OF TWO CONSTABLES, CO. LIMERICK.

Dr. TANNER (Cork Co., Mid) (for Mr. Finucane) (Limerick, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that on the night of the 29th of last March two policemen, who are on protection duty in Limerick in an evicted farm of Major Hares, Chester, entered the house of Mrs. Ryan, of Cloonlusk, Doon, County Limerick, in a state of intoxication, and after abuse of herself and family broke her windows; if Mrs. Ryan and her son followed the policemen to their barrack, and found both so helplessly drunk that she believes they mistook her house for their barrack; if Mrs. Ryan reported the occurrence to District Inspector Dunne, Newpallas; and, if the Constabulary Authorities have ordered an investigation; and, if not, will the Government direct them to do so?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: The only foundation for this Question appeared to be that Mrs. Ryan reported at the police station that about 10 o'clock on that night she heard a knocking at the window, and that a small pane of glass was broken. She got up, and she alleged she saw two policemen at the window, and she subsequently pointed them out in the barracks. She also alleged they were not sober, though she declined to say that they were drunk. Several witnesses declared that these policemen were sober both when they left and returned to their quarters that night. The Inspector General had instituted a further inquiry into the case.

DR. KENNY (Cork, S.) asked, whether the witnesses who declared the policemen to be sober were policemen themselves?

COLONEL KING-HARMAN: They probably were. I cannot say.

VACCINATION LAWS – ASSAULT ON THE POLICE AT LEICESTER.

MR. PICTON (Leicester) asked the Secretary of State for the Home Department, Whether Joseph Wright, carpenter, Leicester, and George Butler, labourer, Belgrave, were convicted, on Saturday 14th May, before the Leicester County Magistrates, of throwing, the former a stone, and the latter a rotten egg, at policemen engaged in protecting the auctioneer at the sale of goods belonging to Mr. King, of Mere Road, New Evington, and distrained in enforcement of a fine inflicted for the non-vaccination of a child dead more than a year ago; whether Joseph Wright was fined £10 18*s.*, including costs, and George Butler £3 3*s.* 6*d.*; whether the evidence against the accused was given solely by police officers, and was contradicted, in the former case by three and in the latter case by four bystanders; and, whether the Government will consider the advisability of modifying or remitting the sentence?

THE UNDER SECRETARY OF STATE (Mr. STUART-WORTLEY) (Sheffield, Hallam) (who replied) said: Wright and Butler were convicted, to the perfect satisfaction of the Justices, of assaulting the police in the execution of their duty. This assault was part of an organized attempt made in the locality to prevent the law from taking its course by threats of violence to the auctioneer and by riotous proceedings at the auction. The Secretary of State sees no reason for interfering with the sentence.

PUBLIC WORSHIP REGULATION ACT, 1874—THE REV. J. BELL COX.

MR. HOARE (Norwich) asked the First Lord of the Treasury, Whether his attention has been called to the Resolutions unanimously passed by both Houses of the Convocation of Canterbury, and also by the House of Laymen, regarding—

> "the inappropriateness of imprisonments as a penalty ensuing on a prosecution concerning Ritual;"

and, whether, taking into consideration that a clergyman, the Rev. J. Bell Cox, is at present undergoing such imprisonment, Her Majesty's Government are prepared to consider such alteration of the Law as may be necessary to abolish the penalty of imprisonment in the case of "prosecutions concerning Ritual?" The hon. Member, in putting his Question, expressed his pleasure at the altered circumstances brought about by the release of the Rev. J. Bell Cox.

MR. CHANNING (Northampton, E.) also asked, Whether the right hon. Gentleman's attention has been called to the imprisonment for contumacy of the Rev. James Bell Cox, Vicar of St. Margaret's Church, Prince's Road, Liverpool; whether he is aware that the Ritual adopted by Mr. Cox in the services of his church was approved by the large majority of the congregation; and, whether, under the circumstances, Her Majesty's Government will consider the advisability of introducing in this House, or in "another place," a measure to amend "The Public Worship Act, 1874," and other Acts on the same subject, with a view to restrict the opportunities now existing of instituting prosecutions not supported by a majority of the parishioners or congregations directly affected?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): I rejoice, Sir, in common, I think, with everyone, that the circumstances under which this Question is put have been changed by the release of Mr. Bell Cox from prison. The facts, I believe, are generally correctly stated, although I have no official information as to the Resolutions passed either by the Houses of Convocation or the House of Laymen. I regret very much that imprisonment should be inflicted as a penalty under circumstances of this character; but the hon. Gentleman must be aware that legislation affecting the Church is always attended with great difficulties in this House. Therefore, I am not at liberty to enter into any engagements of the kind suggested in the Question.

LONDON CORPORATION (CHARGES OF MALVERSATION).

MR. BRADLAUGH (Northampton) asked the First Lord of the Treasury, Whether the Government will afford facilities for the discussion of the Report of the Select Committee on the Charges against the Corporation of the City of London?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): If the hon. Member will place on the Paper the terms of any Motion he may desire to make on the subject I will consider them, and see if it is possible for the Government to afford him facilities for their discussion; but, as the hon. Member is aware, very much will depend on the progress made with Public Business.

MR. BRADLAUGH: In consequence of the answer of the right hon. Gentleman, I beg to state that I shall put upon the Order Book of the House the following Notice:—

> "That, in the opinion of this House, the conduct of Gabriel Prior Goldney, City Remembrancer; Sir John B. Monckton, knight, Town Clerk; of the members of 'the Special Committee' of the Corporation; and of other members and officials of the City of London, as disclosed in the Report of the Select Committee on London Corporation (Charges of Malversation), is derogatory to the dignity, and deserves the reprobation, of this House."

THE BRITISH PARLIAMENT AND THE CHANNEL ISLANDS AND ISLE OF MAN.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.) asked the First Lord of the Treasury, Whether there is anywhere to be found an authoritative statement of the relation of the British Parliament to the Channel Islands and the Isle of Man; particulars of the powers of the British Parliament and the Man Parliament respectively in Man; whether any authority is exercised by the British Parliament in the Channel Islands; whether the Channel Islands are in any sense a dependence of this country; whether the Island authorities claim that England is a dependence of the Channel Islands, representing Old Normandy; whether each is independent of the other; and, generally, the conditions and limitations of Home Rule as exercised in the Channel Islands and Man?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): It would be better to refer the hon. Member to the available sources of information; and I am unable to express any opinion with regard to the relations between these Islands and the Imperial Legislature, as that relation appears uncertain. For particulars of the powers of the British Parliament and the Man Parliament respectively, I must refer the hon. Member to the Report of the Commission of Inquiry into the Isle of Man in 1792 (not numbered), also to *Stephen's New Commentaries on the Laws of England*, p. 98 of eighth edition of 1880, and to *Blackstone's Commentaries*, p. 89 of edition of 1857. As regards the Channel Islands, *Stephen's Commentaries* (p. 100 of same edition) may be consulted, and *Blackstone* (p. 95, same edition). A Royal Commission was appointed in 1846 to inquire into the Criminal Law in the Channel Islands, and reported fully as to Jersey and Guernsey in 1847. As regards Jersey, questions of civil organization of government are better elucidated by the Report of the later Royal Commission in 1857.

PURCHASE OF LAND (IRELAND) ACT, 1885—RETURNS.

MR. J. E. ELLIS (Nottingham, Rushcliffe) asked the First Lord of the Treasury, What were the undermentioned sums in connection with "The Purchase of Land Act (Ireland) 1885" up to 30th April, 1887:—Total advance; sum applied for and refused; sum applied for respecting which no decision had been arrived at; sum sanctioned after modification of terms of purchase, with amount of such modification?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The total advance sanctioned is £2,456,525; the total advances issued, £1,093,652; the sum applied for and refused, £358,123; the sum applied for respecting which no decision had been arrived at, £475,265. Of the sums applied for and refused, the amount of £69,045 was subsequently sanctioned, the sum originally applied for having been £82,669. I have only received this information by telegraph.

WALES—ANTI-TITHE LEAGUE.

Mr. J. G. HUBBARD (London) asked the First Lord of the Treasury, Whether, in view of the renewed agitation in Wales against the recovery of tithe rent-charge, and of the violent resistance opposed to officials fulfilling their lawful duty, by bands of men organized and directed by the "Anti-Tithe League," the Government will issue Proclamations in Welsh and English, declaring the illegality of these tumultuous proceedings, and will also direct prosecutions to be instituted against the leaders of this criminal conspiracy?

Mr. T. M. HEALY (Longford, N.): Sir, I rise to a point of Order; and wish to ask whether your attention has been directed to the form of this Question? It is a Question about the agitation against tithes in Wales; and I would direct your attention to the latter part of the Question—

> "Declaring the illegality of these tumultuous proceedings, and will also direct prosecutions to be instituted against the leaders of this criminal conspiracy."

I wish to know whether the House should keep upon its records a Question which assumes that the agitation which these persons are engaged in is a "criminal conspiracy?"

Mr. SPEAKER: I think that the assumption to which the hon. and learned Gentleman alludes ought not to be made in the Question.

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): In replying to the Question which has been put to me, I will omit all reference to the character of the agitation. I am very glad to say I am informed that the agitation is subsiding in Wales with regard to the tithe rent-charge, and that people there are beginning to see the necessity of complying with the existing law.

WALES—INTERMEDIATE EDUCATION —GOVERNMENT ASSISTANCE.

Mr. CORNWALLIS WEST (Denbigh, W.) asked the First Lord of the Treasury, Whether Her Majesty's Government are prepared to offer the same measure of assistance to Wales as is given for educational purposes to Scotland and Ireland, by an annual grant of money for intermediate education, including Training Colleges for teachers in the event of a Bill dealing with this subject, and commanding the general support of Welsh Representatives, being submitted to Parliament?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): University Colleges of Wales now receive grants of £12,000 a-year, as against £16,000 paid to the Scotch Universities as Teaching Colleges, and about £5,000 to the Queen's Colleges in Ireland. Her Majesty's Government, while recognizing the importance of this subject, are not prepared, for obvious reasons, to pledge themselves as to the nature and amount of the financial assistance that could be looked for from the State in the event of any Bill being brought forward.

WAR OFFICE (ORDNANCE DEPARTMENT) — ISSUE OF DEFECTIVE WEAPONS — THE RESPONSIBLE OFFICIALS.

Mr. HANBURY (Preston) asked the First Lord of the Treasury, Whether, as seven high officials, one of whom is still a member of the Ordnance Committee, and another is the First Naval Lord of the Admiralty, have been named by the Secretary of State for War as being between them responsible for the manufacture or issue to almost the whole of the men of Her Majesty's Navy of arms, described by a Special Committee as "absolutely inefficient, untrustworthy, and unfit for service;" and, as Notice has been given of a Motion to give effect to the statement of the Secretary of State for War, by stopping or reducing the pay and pensions of such officials, if, after proper discussion, this House should be of opinion that they have failed in their duty, he will, under these circumstances, arrange that the Votes for such pay and pensions shall, in the Army and Navy Estimates respectively, be taken on an early day, and be brought forward at such a time as to allow of ample discussion, and of a Division being taken upon each of them?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): I am informed by my right hon. Friend that letters have been written by his direction from the War Office to the Army officials mentioned by him as responsible for the issue of inefficient arms, calling their attention to the Report of the Special

Committee, and asking for any observations they may have to offer. No replies have yet been received. The Admiralty deny that their officers are in any way responsible for the defects in strength or material of the weapons alluded to, their responsibility being confined to reporting upon the pattern, so far as its weight, size, and handiness were concerned. The responsibility for the quality of warlike stores has always rested with the manufacturer or issuer of such stores, and not with the user. I understand that my hon. Friend wishes to raise a debate and take a Division upon the subject generally. I shall be very glad to confer with him, and to arrange that an early day shall be fixed for the discussion of an Estimate or Estimates which will give him the opportunity of raising the question which he desires to bring before the House.

THE NEW RULES OF PROCEDURE—RULE 2 (SITTINGS OF THE HOUSE).

MR. PROVAND (Glasgow, Blackfriars, &c.) asked the First Lord of the Treasury, When he intends to move the Resolution relating to Sittings of the House, which is the next in order of the New Procedure Rules?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, the hon. Member must see that in the present state of the Business of the House it was not psssible to give any information as to the renewal of the discussion upon the Rules of Procedure.

FISHERY BOARD (SCOTLAND)—CROFTERS AND COTTARS FISHING BOATS —LOANS.

DR. CLARK (Caithness) asked the First Lord of the Treasury, Whether the Government are aware that the average cost of a suitable fishing boat and nets is about £400; whether, in view of the evidence contained in the Report of the Royal Commission on Crofters and Cottars, as to the inability of crofters and cottars to furnish such a sum of money, it is the intention of the Government to continue to impose the conditions stated in the Memorandum of the Secretary for Scotland in January last, by which crofters and cottars, who desire to borrow money from the Fishery Board for the purchase of fishing boats and nets, are compelled to pay down one-third or one-fourth of the cost of fishing boats; and whether any money has yet been lent to crofters and cottars under the Crofters Act; and if the present conditions are found to be prohibitory, will the Government re-consider the matter?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): The average cost of a fishing boat and nets suitable for fishermen in crofting parishes is about £350. Of this sum only one-fourth, or about £88, need be found by the fishermen, while the Fishery Board advances the remaining £262. As from six to eight men are required as a crew for boats of this kind, the sum to be provided by each fisherman would not exceed about £12. These terms are more liberal than those recommended by the Royal Commission referred to by the hon. Member. A very large number of applications have been received by the Fishery Board for loans on the present terms; but no money has been actually advanced as yet. As the present conditions have not yet had a fair trial, the Government are not now prepared to reconsider them.

AGRARIAN CRIME (IRELAND).

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I wish to put a Question to Her Majesty's Government, of which I have not been able to give either public or private Notice, and as the right hon. Gentleman the Chief Secretary for Ireland is not in his place, perhaps I might ask the kind attention of the Attorney General for Ireland. [At this point Mr. A. J. BALFOUR entered the House from behind the Speaker's Chair.] The Question is simply to this effect. It appears to me that it would be very desirable for the House to be in possession, during the remaining discussion on the Criminal Law Amendment (Ireland) Bill, of the latest information in regard to agrarian outrages in Ireland; and I wish to know whether the Government will be so good as to arrange that, as the month of May will have expired before the House meets again, the agrarian offences reported to the Constabulary in May shall be made known to the House when it meets again.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): Yes; I shall be very happy to lay the information before the House; but

I can now give the House the satisfactory information that since the Criminal Law Amendment (Ireland) Bill has been introduced there has been a marked decrease of crime.

EGYPT—THE ANGLO-TURKISH CONVENTION.

MR. BRYCE (Aberdeen, S.) asked the Under Secretary of State for Foreign Affairs, Whether he could now inform the House if the Convention which had been negotiated with the Porte with regard to Egypt had been forwarded, and what were its provisions; and if his right hon. Friend could not inform the House now when he would be in a position to give the House full information with regard to it, and lay a copy of it upon the Table?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): The telegrams received this morning from Constantinople are somewhat confused, and therefore I am unable to give any definite answer as regards the conclusion of the Convention; and, naturally, until we have received positive intelligence I cannot name a time for informing the House of it. But, as I have already told the House, the Government will take the earliest possible opportunity of giving full information on the subject.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN — THE NAVAL REVIEW.

In reply to Sir WILLIAM CROSSMAN (Portsmouth),

THE FIRST LORD OF THE ADMIRALTY (Lord GEORGE HAMILTON) (Middlesex, Ealing) said, that the Indian troopships which it was proposed to place at the disposal of the Houses of Parliament on the occasion of the Naval Review afforded the best accommodation of any vessels over which the Admiralty had control. Their draught, however, was not such that they could enter Portsmouth Harbour at all states of the tide; but arrangements would be made by which tugs would be in attendance for the accommodation of those who may wish to return early.

PUBLIC WORKS (IRELAND)—THE BUDGET SUBSIDY.

MR. T. W. RUSSELL (Tyrone, S.) asked Mr. Chancellor of the Exchequer a Question of which he had given him private Notice—namely, Whether any decision had been arrived at as to the local expenditure of the £50,000 in Ireland; and whether the Government would provide for the carrying out of the recommendations of the Royal Commission on Public Works in Ireland?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square), in reply, said, no final decision had been arrived at as to the disposal of the £50,000. The Government intended to act upon the Report of the Royal Commission by beginning the necessary surveys which had to be taken in hand with a view of carrying out the recommendations of the Commission; but they did not pledge themselves to the adoption of the whole of these recommendations. They intended, however, to proceed at once with the survey of important works of arterial drainage.

THE ADMIRALTY — DEPARTMENTAL COMMITTEE ON THE CLERICAL ESTABLISHMENTS.

In reply to Mr. ARTHUR O'CONNOR (Donegal, E.),

THE FIRST LORD OF THE ADMIRALTY (Lord GEORGE HAMILTON) (Middlesex, Ealing) said, it was the fact that a small Departmental Committee had been appointed to inquire into the clerical establishments of the Admiralty. When he was preparing the Estimates last year, he found that considerable reductions could be made in certain establishments if the Treasury would give the Admiralty a free hand for the purpose of pensioning those who had not sufficient work. Certain correspondence ensued, and a short time ago the approval of the Treasury was obtained, so far as to justify the Admiralty in making inquiry; and it was for the purpose of ascertaining how far reductions could be made that this Committee had been appointed. He did not suppose it would interfere at all with the Report of the Royal Commission.

MR. ARTHUR O'CONNOR inquired, whether the First Lord would lay on the Table a statement showing what, in the opinion of the Admiralty Authorities, would be an adequate allowance for the Admiralty establishment?

LORD GEORGE HAMILTON: It is for that object the Committee was appointed.

CHURCH OF SCOTLAND — CHURCH BUILDING IN PITSLIGO, ABERDEENSHIRE.

MR. ESSLEMONT (Aberdeen, E.) wished to ask the Solicitor General for Scotland a Question of which he had given private Notice. Perhaps the House would allow him to explain that that arose out of a misunderstanding in an answer given to a Question by the Lord Advocate, on account of insufficient information. It was, whether in Pitsligo parish there was not a church to be erected by an old Statute, which was beyond all the requirements of the circumstances, at least double the size required practically for the whole parish; and, whether an assessment of 10 1-10*d.* in the pound was levied on the whole parish to erect this unnecessary building?

THE SOLICITOR GENERAL FOR SCOTLAND (Mr. J. P. B. ROBERTSON) (Bute): The question of re-building this church has, I understand, been brought before the Court of Session on an appeal by the heritors against the decision of the Presbytery, and the Court affirmed that decision, the law being that a new church must be of sufficient size to accommodate two-thirds of the examinable population of the parish. It is not, therefore, possible for the Government to interfere to prevent this expenditure, which does not, however, fall on the public, but on the heritors.

MR. ESSLEMONT asked, as arising out of the same Question, whether the Government would take any steps in regard to powers such as those which seemed to be quite unnecessary, and not desired by anyone in the parish to remedy the law on the subject?

MR. J. P. B. ROBERTSON: Perhaps the hon. Gentleman will give Notice of that, which is a somewhat large question.

HIGH COURT OF JUSTICE (IRELAND) —THE COURT OF APPEAL — THE LORD CHANCELLOR OF IRELAND.

MR. T. M. HEALY (Longford, N.) asked the Chief Secretary for Ireland a Question regarding the relative positions of the English and Irish Lord Chancellors. He wished to know whether the English Lord Chancellor ever sat in the Court of Appeal? At present the Irish Lord Chancellor, who was an active politician and a Member of the Cabinet, sat in the Irish Court of Appeal and had recently given a judgment with reference to a political question.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University) said, Irish Lord Chancellors had always sat in the Court of Appeal, and continued to do so. In England, until a comparatively recent time, the Lord Chancellor was in the habit of hearing appeals, sometimes sitting with the Lords Justices, and sometimes alone. The reason he did not do so now was that the duty of presiding in the Appellate Court of the House of Lords was sufficient to occupy his time. He was not aware that there was any difference regarding the judicial duties of the two Lord Chancellors.

MR. T. M. HEALY inquired, whether there was any instance of any previous Lord Chancellor of Ireland sitting in the Court of Appeal, when, at the same time, he was a Member of the Cabinet and an active politician?

MR. HOLMES said, he was not aware that there was any instance, at all events in recent times, of an Irish Lord Chancellor being a Member of the Cabinet; but he presumed the Lord Chancellor, being always a Member of the Government, was also a politician.

MR. T. M. HEALY gave Notice that on the Motion for the adjournment, he would call attention to the position of Lord Ashbourne, and contrast it with the position of Lord Halsbury and other previous Irish Lord Chancellors.

SITTINGS AND ADJOURNMENT OF THE HOUSE—THE WHITSUN HOLIDAYS.

MR. LABOUCHERE (Northampton) asked the First Lord of the Treasury, Whether it was absolutely necessary they should all be brought down here to-morrow simply to move the adjournment of the House; and whether some convenient arrangement might not be made at the close of to-day's proceedings to move the adjournment over the holidays?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster), said, he was in the hands of the House on a question of that character. It had been usual to meet on the day of the adjournment for the purpose of adjourning the House; but if the House thought proper the adjournment should be moved at the close of this evening, he should be exceedingly glad to agree to it.

Subsequently,

Mr. T. M. HEALY (Longford, N.) asked, at what hour the Government would consent to report Progress with the Criminal Law Amendment (Ireland) Bill? If the House was to adjourn that night, it would be impossible to discuss important Motions and Orders which stood upon the Paper, unless the debate in Committee on the Criminal Law Amendment (Ireland) Bill were adjourned at a reasonably early hour.

Mr. W. H. SMITH said, that he could not enter into an engagement to adjourn at any particular hour. They ought, he thought, to make considerable progress with the Criminal Law Amendment (Ireland) Bill that evening. It was not the desire of the Government to take any other contentious matter after the first Order of the Day. If the second clause were passed to-night he would be exceedingly glad to move the adjournment of the House. He wished to point out that he acceded to the demand of the senior Member for Northampton (Mr. Labouchere) in the belief that it was in harmony with the views of hon. Members opposite. The suggestion did not come from the Government.

ARMY AND NAVY ESTIMATES—THE COMMITTEE.

Mr. MASON (Lanark, Mid) asked, when the Committee on the Army and Navy Estimates would be nominated?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster) said, the Motion would be made after Progress was reported on the Criminal Law Amendment (Ireland) Bill. If the hon. Gentleman could give him any information as to when it would be, then he would be glad to answer him.

LAW AND JUSTICE (IRELAND)—THE IMPRISONMENT OF FATHER KELLER.

Mr. DILLON (Mayo, E.) wished to ask the Chief Secretary for Ireland, If his attention had been called to the judgment of the Court of Appeal in Dublin on Saturday, in which it was decided that the warrant under which Father Keller was arrested was an illegal warrant, and the rev. gentleman was released; whether Father Keller had suffered two months' imprisonment under this illegal warrant; whether he was aware that this gentleman had been put to an expense of close on £100 in obtaining his release; and whether under all these circumstances, and in view of the charges which had been made in connection with this case, the Government would have an inquiry instituted into the circumstances attending it?

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University) (who replied) said, that the only information which the Irish Government had on the subject was that which they obtained from the newspapers. It was a matter with which the Government had nothing whatever to do. It was not one into which the Government could inquire, as it was a question which had been decided by successive Law Courts in the ordinary course of legal procedure.

Mr. DILLON asked the Chief Secretary, Whether they were to take the right hon. and learned Gentleman's answer as final, that the Government would give no redress, or even inquire into the merits of the case, in which a gentleman had been detained in prison for two months under an illegal warrant, and put to an enormous expense to obtain his release?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.) said, that it would be impossible for the Government to inquire into the merits of the case. It had never been under their consideration at all; and he did not know what further answer the hon. Gentleman thought that this or any other Government could give.

Mr. CHANCE (Kilkenny, S.) asked, Whether the Government did not send a number of policemen to arrest this gentleman under this warrant; and whether of the four Judges the three permanent Irish Judges declared the warrant to be illegal, and only one Judge—the Irish Lord Chancellor—held the warrant to be valid?

Mr. A. J. BALFOUR said, he believed the Court of Queen's Bench had previously declared the warrant to be legal; but they had nothing to do with that. As regarded the police, all the Government did was to send down the police to protect the officers of the Court in the execution of their duty.

MR. DILLON said, that, under these circumstances, he begged to give Notice that at the earliest opportunity he would call attention to the conduct of the Judge of the Court of Bankruptcy in Dublin in this particular case; and if he was not permitted to call attention to the conduct of the Judge, he would call attention to the conduct of the Official Assignees and other officials of that Court.

ARMY (AUXILIARY FORCES)—THE IRISH MILITIA.

In reply to Lord CLAUD HAMILTON (Liverpool, West Derby),

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE) said, that the issue of Martini-Henry rifles to the Irish Militia would be commenced almost immediately.

THE NEW RULES OF PROCEDURE, 1886—THE CLOSURE.

MR. T. M. HEALY (Longford, N.): I wish to put a question to you, Sir, upon a point of Order—namely, whether an hon. Member who in the course of a debate has spoken on the Main Question can move the closure, having regard to the fact that a Member who has spoken on the Main Question cannot move an Amendment? I also wish to know whether entries cannot be made in the Journals of the House, or in the index of *Hansard*, showing whenever the closure was applied the original amount of time occupied by the House on the Original Motion, and the number of speeches made upon it?

MR. SPEAKER: It is quite competent for an hon. Member to move the closure in the circumstances specified by the hon. and learned Member. With reference to the hon. Member's second question as to a record being kept of the time occupied in discussion before the closure is moved, or of the number of speakers who have had an opportunity of speaking before the closure was applied, I do not think that it would be advisable to accede to the suggestion which the hon. and learned Member made.

MR. T. M. HEALY: I would like to ask whether the Government, who, I presume, find the funds for the publication of *Hansard*, will instruct the managers of *Hansard* to record exactly in future volumes the number of speeches on every question that is closured, and the time occupied in the discussion? It may, I think, form a useful precedent for Members of the Conservative Party to refer to.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I think the hon. and learned Member can hardly be in earnest. I do not feel able to give the hon. and learned Member an answer that would be satisfactory to him.

MOTIONS.

—o—

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY).

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) moved—

> "That a Select Committee be appointed to consider what means shall be adopted for the attendance of this House at the Jubilee Thanksgiving Service in Westminster Abbey on the 21st day of June; and that Mr. William Henry Smith, Mr. Childers, Mr. David Plunket, Mr. Shaw Lefevre, Viscount Lewisham, Mr. Marjoribanks, Mr. Cavendish Bentinck, Sir Frederick Mappin, and Mr. Craig Sellar be Members of the said Committee; Five to be the quorum."

MR. T. M. HEALY (Longford, N.) said, he had no objection to the names, but asked why there was no representation of the Irish Members?

THE SECRETARY TO THE TREASURY (Mr. AKERS-DOUGLAS) (Kent, St. Augustine's) explained that the hon. Member for South Meath (Mr. Sheil) had requested him not to nominate upon the Committee any Member from the ranks of hon. Members below the Gangway opposite. The name of the hon. Member for Cavan (Mr. Biggar) had been withdrawn from the list of the proposed Committee by special request. His name had been withdrawn on the ground that hon. Members below the Gangway opposite did not want to be placed upon the Committee.

Motion *agreed to.*

JUBILEE SERVICE IN ST. MARGARET'S CHURCH.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I desire to submit a Motion to the House which will, I am sure, command the support of all hon.

Members who were in St. Margaret's Church yesterday. It is—

> "That the Thanks of this House be given to the Right Reverend William Boyd Carpenter, D.D. Lord Bishop of Ripon, for the Sermon preached by him on Sunday before this House, at St. Margaret's, Westminster, and that he be desired to print the same; and, that Mr. William Henry Smith and Mr. Secretary Matthews do acquaint him therewith."

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I have great satisfaction in seconding that Resolution, which I believe to be both reasonable in itself and in conformity with the usage of the House on such occasion.

Motion *agreed to.*

ORDERS OF THE DAY.

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. A. J. Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 20th May.*]

[TWELFTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

SUMMARY JURISDICTION.

Clause 2 (Extension of summary jurisdiction).

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): It may be for the convenience of the House if I were to state the views of the Government with reference to the remaining Amendments to be considered by the Committee to this clause. The Government are anxious that their views should be known to the Committee, with the object of advancing Public Business as far as it is possible to do so. Therefore, we have carefully considered the Amendments on the Paper, so far as they involve any question of principle. If hon. Members will look at the Amendments they will see that from the Amendment numbered 60 down to No. 69 all the Amendments upon the Paper refer either to questions which have been already adequately discussed and virtually decided upon Clause 1, or the earlier sections of this clause, or are Amendments which have no very substantial character. In saying this, I have no wish to speak with any disrespect of any hon. Members whose names are attached to them; but I simply draw attention to the fact that the Amendments No. 60 to No. 69, inclusive, involve no principle which has not been dealt with by the House. [*Cries of* "Oh, oh!"] At all events, that is the opinion of the Government, and hon. Gentlemen, as I understood, wished to know the view which the Government take of the questions which are still to be discussed in Committee. The Amendments Nos. 70 and 72 appear to me to refer to questions which deserve some consideration, and if the hon. Members in charge of those Amendments desire that the opinion of the Committee should be taken upon them no objection can be raised. The Amendments from 72 to 84, again, are not of a very serious character. [*Cries of* "Oh!"] Hon. Gentlemen, I understand, had no desire to provoke unnecessary opposition on their part, and we desire to give full consideration to every Amendment which raises a question of principle. The Amendment numbered 85, on the other hand, does involve a principle. The right hon. Member for Central Bradford (Mr. Shaw Lefevre) proposes to leave out the words "unlawful assembly," and obviously that is a very proper matter to submit to the consideration of the Committee. There is also another question raised by the hon. Member for South Cork (Dr. Kenny), to leave out that part of the sub-section which relates to "wrongfully take or hold forcible possession of a house or land." The Government propose, at present, to accept the Amendment of the hon. and learned Member for South Hackney (Sir Charles Russell), No. 105, for the omission of Sub-section 4, which relates to offences under the Whiteboy Acts. We consider that it may be right to specify the offences included in the Whiteboy Acts, which we desire to bring under the operation of this Bill, rather than to include them by a reference to the Whiteboy Acts generally. That is a question which is now under the consideration of the Government, and therefore in withdrawing the sub-section at the present time we reserve to ourselves full right and power to reconsider it on the Report if it should appear desirable to do so; either to include offences in the Whiteboy Acts generally, or, as we wish to be able to do, to specify the particular offences in the Whiteboy Acts which will come under the operation of this Bill. After the Amendment 105, there is nothing of consequence until we come to 110, which is also an Amendment in the name of the hon. and learned Member for South Hackney, and it is obviously a question which may fairly be considered by the Committee. Then the Amendment numbered 112, in the name of the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler), is also of some importance. But when those Amendments are disposed of there is nothing of importance until we come to 114, in the name of the hon. Member for Cork (Mr. Maurice Healy), which may, perhaps, receive some consideration. I refer to these Amendments with a view of assisting the Committee to arrive at an early decision on the clause itself. They are the only Amendments which raise any question of principle, and I venture to hope that we can be allowed to get the clause passed this evening after the very long consideration which has been given to the early parts of it.

MR. T. M. HEALY (Longford, N.): The Whiteboy Acts are of an extremely long, vague, and involved character; and I wish to know whether the right hon. Gentleman the First Lord of the Treasury proposes to have the matter discussed on the Report stage with the Speaker in the Chair, or whether he proposes to recommit the Bill with respect to this subject? I must say that the statement of the right hon. Gentleman is most unsatisfactory.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): We in no case propose to embody the Whiteboy Acts in the Bill. What the Government reserve to themselves a right to do is to enumerate the offences not already in the Bill, but to embody them from the Whiteboy Acts.

MR. T. M. HEALY: Is it intended to consider this enumeration with the Speaker in the Chair or with the Bill in Committee?

MR. A. J. BALFOUR: With the Speaker in the Chair, I apprehend, on the Report.

MR. T. M. HEALY: Then, in that case, I shall raise the entire question on the Motion to omit the sub-section.

MR. MARUM (Kilkenny, N.): I have now to move, in page 2, line 22, after the word "Law" insert—

> "Provided also, That, for the purposes of this section, every offence of criminal conspiracy shall be deemed to be 'a case of difficulty' within the meaning of the inhibiting proviso of the Commissions of the Peace of Justices, and in that regard the chairman of the county shall be deemed to be as of Her Majesty's Counsel learned in the Law."

The object of this Proviso is to secure that criminal conspiracy cases which, I believe, will be very infrequent, should go before a Judge of a Superior Court to be tried in Dublin in accordance with ancient precedent, and not by a Resident Magistrate. The inhibiting Proviso of the Commissions of the Peace of Justices forms the subject-matter of the Amendment, and defines the mode of procedure in regard to important trials—such as treason, murder, and criminal conspiracy. It states that such cases shall be heard before two or more magistrates, but that no judgment shall be given except in the presence of one of the Judges, or by a counsel learned in the law. The Commission provides all through that if cases of this kind are brought before the ordinary Justices, such Justices shall not act upon them except in the presence of some person learned in the law. Am I to be told that conspiracies of such a serious character involving political matters—such as "the Queen *v.* O'Connell," or "the Queen *v.* Parnell," or "the Queen *v.* Dillon," each of which was tried in a Superior Court, are not very serious offences and worthy of being considered by a Superior Court. That is the object of my Amendment, and my contention is, that if you allow Boycotting and the lower class of offences to be tried under the summary jurisdiction of the Resident Magistrates, the more serious offences shall not be tried by summary jurisdiction. I should like to know whether any hon. Member, knowing that a Resident Magistrate possesses his authority by virtue of a Commission which contains words ordering them not to act in cases of difficulty, can have the hardihood to say that conspiracy and matters concerning criminal conspiracy are not cases of great difficulty? In the Statute referred to in the Amendment the expression used is "conspiracy now punishable by law," and formerly "the law" dated from the first day of the Session in which a particular Act of Parliament was passed; but by an Act passed in the 33rd of *Geo.* III. there is a direction to the

Clerk of Parliament to insert the exact date on which an Act passed. When this Bill passes and becomes an Act, the Act itself will date from the period put down in that way by the Clerk of Parliament, and it may be argued that the words "now punishable by law" refers to the entire Act, and will include within them not merely conspiracies according to Common Law, but conspiracies under the Act itself, so that intimidation will be governed by the Definition Clause which includes intimidation—what may be called technical and constructive intimidation. In other words, a man may be brought under the summary jurisdiction of the Resident Magistrate in regard to matters which amount to nothing beyond a civil inquiry. Take the case of a temperance meeting. A licensed victualler might suffer injury by the adoption of temperance principles, and he might summon the persons who held a temperance meeting before a Resident Magistrate, declaring that he was intimidated, and the word "intimidation" would cover everything calculated to put him in fear, so far as his trade or business was concerned, and in that way the case might be held to amount to an offence against the law and to a criminal conspiracy. I give that as an illustration to show the nature of "a case of difficulty" which the Resident Magistrate might be called upon to determine as being a case of criminal conspiracy or not. Take the case of the land which, under the clauses of this Bill, will be a fruitful subject for putting the law in motion. The question will arise in this way. A combination of two or more tenants not to pay more than a certain amount of rent upon a particular farm will be held to be a conspiracy, and no doubt it would be provided the tenant occupying the land took no part in it. If he were included it would be illegal, and would amount to a criminal conspiracy. I only mention this to show the kind of cases which will come before the Resident Magistrates, none of whom are bound to belong to the Legal Profession. Questions of the utmost nicety will have to be dealt with. Let me take a very ordinary case. In the latter part of the clause it is made a criminal conspiracy to interfere with the administration of the law. In the case of "the Queen *v.* O'Connell," one of the counts of the indictment charged O'Connell with attempting to supersede the Courts of Law. No doubt, that was an indictable offence; no doubt it was conspiracy; but, at the same time, allow me to quote three or four lines from the judgment delivered on that occasion to show the great delicacy and difficulty of the matters which these Resident Magistrates may have to determine. The learned Judge—Lord Denman—dealing with the eight counts of the case of "the Queen *v.* O'Connell" said—

> "I am by no means clear that there is anything illegal in exciting disapprobation of a Court of Law, for the purpose of having other Courts substituted more cheap, efficient, and satisfactory."

Another learned Judge said—

> "I have entertained some doubt whether the eight counts show more than one thing—namely, a desire to prove the inefficiency of certain tribunals, and to point out that others more efficient may be substituted for them by the Legislature."

That is a very nice question of law, and yet it is one which may come before a Resident Magistrate for decision, as well as other questions which are at present tried before the puisne Judges and at bar in Ireland. Questions which now engage the attention of special juries may be dealt with in the same way, and am I to be told that the summary jurisdiction of two Resident Magistrates is quite sufficient to deal with them, especially when such delicate issues as are involved in charges of conspiracy and other serious offences are at stake. In a multiplicity of matters which may arise under this clause, I contend it is absolutely essential that they should be dealt with by the Judges of the Superior Courts. The proposal of the Government is to enlarge enormously the jurisdiction of the Resident Magistrates, and there can be no doubt that, under the provisions of this Bill, cases of conspiracy must frequently arise which would be well worth the presence of the Judges of the Superior Courts, in accordance with the ancient traditions of the law. That is the object of my Amendment, and it coincides with the results of my own personal experience. I can assure the right hon. Gentleman the Chief Secretary for Ireland that it is not my intention to say anything disrespectful of, or offensive to, the Resident Magistrates of Ireland. I have been associated with them for many years, and it would ill become me to say a word against them; but I speak with knowledge when I assure the Committee that it will be necessary to act with extreme caution in entrusting them with such extreme powers in delicate and difficult cases. In 1883, when the Crimes Prevention Act was in operation, there was a case in which a clergyman was summoned to give bail for his good behaviour before the Petty Sessions. I was in the habit of attending as a magistrate. When I reached the Court I found two Resident Magistrates there, one of whom I had never seen before. The regular Resident Magistrate did not attend. It was proved by a policeman that the defendant had issued a "No-rent manifesto" in the case of certain tenants of Lord Castletown. The rev. gentleman, who was not defended by counsel, denied the charge made against him, and proposed to give evidence himself either by affidavit or orally. I stated to those Resident Magistrates my own opinion—which was afterwards justified in the case of "the Queen *v.* Dillon"—that that evidence ought to be received; but those two gentlemen would not accept my view of the law, and they absolutely refused to receive it, although the summons was in the form of requiring the defendant to show cause why he should not be bound over to be of good behaviour. They refused to hear him either orally or by counsel. I said I thought it was desirable that the rev. gentleman should be allowed to come forward and say that he repudiated the offence with which he was charged; but the Resident Magistrates ruled against me, and decided that the rev. gentleman should enter into bail to the extent of £500 for his good behaviour, or go to prison for six months. The rev. gentleman objected to enter into any bail at all, and I proposed to give him some time for consideration. Since then, the ruling in the case of "the Queen *v.* Dillon" has shown that I was right even in requesting that he should have time to deliberate whether he would give bail or not. That, however, was also refused by the Resident Magistrates, and the rev. gentleman was sent to the common gaol. The town was filled with military at the time, a side car was procured, and I saw this rev. gentleman placed upon it, and alongside of him was one of the Resident Magistrates, who, acting in a judicial capacity, had ruled as I have stated. He was taken 14 miles through the country in the custody of that magistrate, who, notwithstanding the fact that he had just been acting in a judicial capacity, was now acting in an executive capacity. I believe the right hon. and learned Attorney General (Mr. Holmes) has told us that the Government desire to sever the judicial from the executive capacity. I think that is a most desirable thing; but the circumstance I have mentioned actually occurred, and side by side on this car was the Resident Magistrate with a revolver slung around him, and policemen on either side, and in that fashion this rev. gentleman was carried 14 miles across the country to a common gaol. I saw the whole circumstance with extreme pain, and I sympathized very much with the magistrate who found himself placed in that painful position. It is not against the act of that gentleman that I protest, but against the system which requires him to perform such an odious duty. I have only mentioned the circumstance, in order to show how it has been the case in the past—that a person performing an important function has been required subsequently to act in an executive capacity—almost in the capacity of a gaoler in reference to a man whom he had previously tried and sentenced. I trust the Government will be prepared to accept my Amendment.

Amendment proposed,

In page 2, line 22, after "Law," insert "Provided also, That, for the purposes of this section, every offence of criminal conspiracy shall be deemed to be 'a case of difficulty' within the meaning of the inhibiting proviso of the Commission of Peace of Justices, and in that regard the chairman of the county shall be deemed to be as of Her Majesty's Counsel learned in the Law."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): There has been no subject in connection with the Bill which has been more fully discussed than the question whether Resident Magistrates should be entrusted with the jurisdiction given them by the 1st sub-section of the 2nd clause. A few days ago, the hon. and learned Member for Elgin and Nairn (Mr. Anderson) moved an Amendment to provide that these questions should be referred to a special tribunal of Judges. That Amendment was discussed at considerable length, and was ultimately withdrawn. The right hon. Member for Newcastle-upon-Tyne (Mr. John Morley) pointed out, upon that occasion, that the same question would arise at a subsequent and more appropriate stage, and that view was conceded by the Committee. Therefore, under the circumstances, the hon. and learned Gentleman must excuse me from following him through his argument. I will simply point out to the Committee that it is impossible to accept this Amendment. I am quite sure that no lawyer would be able to understand it. The Commission of the Peace stands now, I believe, in the form in which it has stood for some 400 or 500 years. It gives power to the magistrates to deal generally with every sort of crime. I need only call attention to the fact that the magistrates have simply summary jurisdiction expressly given to them, and no outside jurisdiction whatever. If the Amendment were accepted, where are you to get your Queen's Counsel, or your County Court Judge, or your barrister learned in the law? The suggestion made by the hon. and learned Member is not a practical one at all, and the question raised by the hon. and learned Gentleman is one which will be more appropriately met at a later stage of the Bill. I therefore trust that the hon. and learned Member will not press the Amendment.

Mr. MAURICE HEALY (Cork): I do not think the right hon. and learned Gentleman the Attorney General is reasonable in the request he now makes for the postponement of the general discussion, inasmuch as the Government have made no concession whatever with respect to the tribunal when it comes on for discussion at a later stage. If the right hon. and learned Gentleman were prepared to make some concession of that kind, his appeal would come with great weight; but in the absence of some engagement or promise of that kind, I hardly think the request the right hon. and learned Gentleman makes to us is reasonable. In discussing the Amendment, we are bound to assume that the rest of the Bill will remain in the position in which it now stands; otherwise, we should never know where we were exactly. If the Government will give us a promise that they are prepared to make a concession on this particular point, no doubt that would modify our opposition. Otherwise, we must take the Bill as it stands, and we must now discuss the Amendment of my hon. and learned Friend the Member for North Kilkenny on the assumption that the Government do not intend to make any concession on the question at all. That being so, I think the right hon. and learned Attorney General was called on to give some better reply to my hon. and learned Friend's Amendment than he has done. As I have already pointed out, he has contented himself by refusing to discuss the Amendment. Now, it appears to me that the Amendment of my hon. and learned Friend is one of a most reasonable character. The right hon. and learned Attorney General sneered at that remark, and he has taken exception to the document from which the Amendment is taken—namely, the Commission of the Peace issued to magistrates, on the ground that that Commission is of a venerable character. He should have remembered that this is not the first time the Executive of Ireland have referred to enactments of a venerable character to enable them to carry on the government of Ireland. In one case the Executive of Ireland found itself compelled to go back to an enactment of the Reign of Edward III., and that being so, surely we are justified in taking up this old Statute which regulates the jurisdiction of the magistrates, providing that we can find anything in it which is calculated to mitigate the ferocity of this Bill. On the question of the Amendment of my hon. and learned Friend I will only say this, that I cannot imagine a more dangerous precedent than that which is stated in this Bill, in handing over to any Court of Summary Jurisdiction the power of dealing with questions of criminal conspiracy. It is the first time—as far as I know—that Parliament has ever placed in the hands of the Resident Magistrates a summary jurisdiction on the question of conspiracy. We have had numerous Coercion Bills before, some of them so varied in their provisions that they were capable of being applied almost to anything. From time to time the Government have not hesitated to pass provisions to enable them to vindicate what they call law and order; but this is the first time in which the Government have handed over to a Court of Summary Jurisdiction powers of this kind to enable Resident Magistrates to deal with difficult cases of conspiracy. That being so, I think my hon. and learned Friend has acted in a very reasonable manner in suggesting that when the Government get this extraordinary and unprecedented clause, they should fence the enactment around with the protection which in ordinary cases of summary jurisdiction exercised by unprofessional persons has always been adopted hitherto. When officials of this character, who are not learned in the law, are called upon to decide difficult and delicate questions which may arise in regard to the Law of Conspiracy it should be, at any rate, incumbent upon them to seek the advice of the ordinary legal tribunals of the country, or to have associated with them some competent person learned in the law. I certainly think that my hon. and learned Friend was entitled to some better reply than that which he has received from the right hon. and learned Gentleman the Attorney General for Ireland. Let us consider what the various difficulties are which may possibly arise under this clause. I do not intend to discuss them in detail, but in order to show the difficulty of the task the Court of Summary Jurisdiction will be required to perform under this Bill. I think the argument founded on that difficulty perfectly relevant and proper. The sub-section of this clause, which is now under discussion, practically includes offences of three kinds. First, offences arising from the letting, hiring, and selling of land; secondly, conspiring to Boycott; and thirdly, offences, described in the very vague language of the sub-section as to "interfering with the administration of the law." Let me point out to the Committee that hardly any two lawyers who have spoken on this subject—and we have had a great many legal speakers—have agreed in opinion in regard to this question of conspiracy. One of the public journals, speaking of the Plan of Campaign, pointed out that at least a dozen judgments upon similar questions have been delivered by the English Courts, all of which are of the most conflicting character, and the whole net result is to show that the law itself is in a state of doubt and uncertainty. The question, hitherto, has never been properly settled, and the difficulties which have arisen in declaring what the law really is have arisen from the fact that the English Judges have never yet come to an agreement as to what the real nature of a conspiracy is. So far as one very limited branch of the subject is concerned the law is perfectly clear—namely, that if a person conspires to commit an act which in itself is an offence, or which is intended to effect an illegal object, he is guilty of a criminal conspiracy.

Mr. W. H. SMITH: I rise to Order. Is the hon. Member confining himself to the question raised by the Amendment?

The CHAIRMAN: The argument of the hon. Member is certainly wider than the special argument involved in the question.

Mr. W. H. SMITH: I beg to move, "That the words down to the word 'violence,' in line 24, stand part of the Bill," be now put.

Mr. T. M. HEALY: I rise to a point of Order. I wish to know if it is competent for the right hon. Gentleman to interrupt an hon. Member in the middle of his speech for the purpose of moving the closure, or, indeed, to make any other Motion in the middle of an Amendment?

The CHAIRMAN: That course has already been adopted.

Mr. T. M. HEALY: Yes, Sir; but an opinion was expressed that it was a most inconvenient course, and that it ought not to be followed as a matter of practice.

The CHAIRMAN: All I can say is, that it has been followed as a matter of practice, and has been construed to be within the Rule.

Mr. MAURICE HEALY: Is it competent to move the closure with regard to a particular portion of a clause until the Amendment under discussion has been disposed of?

The CHAIRMAN: The Rule runs in this way—

> "That if a clause be then under discussion, a Motion may be made that certain words defined in the Motion stand part of the Clause."

It is obvious, therefore, that when the clause is under consideration, there must be some previous Motion before the Committee, or about to be proposed, which will be over-ridden by applying the Motion for closure.

Mr. MAURICE HEALY: May I point out that the word "then" in the Rule provides that the closure shall only be applied to the particular Motion before the House. In my view, the use of the word "then" means that the closure may be applied to the Motion then before the House, and to nothing further.

The CHAIRMAN: I think the hon. Member is right upon that point. It is necessary to apply the closure to the special Amendment under discussion.

Mr. MAURICE HEALY: Then I presume I shall be in Order in resuming my speech?

Mr. W. H. SMITH (who rose amid cries of "Order!") said: I claim to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

The Committee *divided*:—Ayes 231; Noes 125: Majority 106. [7.40 p.m.]

AYES.

Agg-Gardner, J. T.
Ainslie, W. G.
Ambrose, W.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Anstruther, H. T.
Ashmead-Bartlett, E.
Atkinson, H. J.
Baggallay, E.
Bailey, Sir J. R.
Baird, J. G. A.
Barclay, J. W.
Baring, Viscount
Bartley, G. C. T.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beadel, W. J.
Beaumont, H. F.
Beckett, W.
Bentinck, rt. hn. G. C.
Beresford, Lord C. W. De la Poer
Bethell, Commander G. R.
Biddulph, M.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Col. H. B. H.
Bond, G. H.
Boord, T. W.
Bridgeman, Col. hon. F. C.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Brown, A. H.
Bruce, Lord H.
Burghley, Lord
Caine, W. S.
Caldwell, J.
Campbell, J. A.
Campbell, R. F. F.
Charrington, S.
Churchill, rt. hn. Lord R. H. S.
Clarke, Sir E. G.
Coddington, W.
Coghill, D. H.
Colomb, Capt. J. C. R.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cross, H. S.
Crossley, Sir S. B.
Crossman, Gen. Sir W.
Cubitt, right hon. G.
Curzon, Viscount
Dalrymple, C.
Davenport, H. T.
De Cobain, E. S. W.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dimsdale, Baron R.
Dixon, G.
Dugdale, J. S.
Duncan, Colonel F.
Dyke, right hon. Sir W. H.
Eaton, H. W.
Ebrington, Viscount
Edwards-Moss, T. C.
Egerton, hon. A. J. F.
Egerton, hon. A. de T.
Elliot, hon. A. R. D.
Elliot, G. W.
Elton, C. I.
Evelyn, W. J.
Ewart, W.
Eyre, Colonel H.
Farquharson, H. R.
Feilden, Lieut.-Gen. R. J.
Fergusson, right hon. Sir J.
Field, Admiral E.
Fielden, T.
Finch, G. H.
Finch-Hatton, hon. M. E. G.
Finlay, R. B.
Fisher, W. H.
Fitzgerald, R. U. P.
Fitzwilliam, hon. W. J. W.
Fitz-Wygram, General Sir F. W.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fraser, General C. C.
Fry, L.
Fulton, J. F.
Gathorne-Hardy, hon. A. E.
Gathorne-Hardy, hon. J. S.
Gedge, S.
Gibson, J. G.
Giles, A.
Gilliat, J. S.
Goldsmid, Sir J.
Goldsworthy, Major-General W. T.
Goschen, rt. hon. G. J.
Green, Sir E.
Greene, E.
Grimston, Viscount
Grove, Sir T. F.
Gurdon, R. T.
Hall, A. W.
Hall, C.
Halsey, T. F.
Hambro, Col. C. J. T.
Hamilton, right hon. Lord G. F.
Hamilton, Lord C. J.
Hamilton, Lord E.
Hamilton, Col. C. E.
Hanbury, R. W.
Hankey, F. A.
Hardcastle, E.
Hardcastle, F.
Hartington, Marq. of
Hastings, G. W.
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Heneage, right hon. E.
Herbert, hon. S.
Hill, right hon. Lord A. W.
Hill, A. S.
Hoare, S.
Holland, rt. hon. Sir H. T.
Holloway, G.
Holmes, rt. hon. H.
Hornby, W. H.
Howard, J.
Hozier, J. H. C.
Hubbard, rt. hn. J. G.
Hughes, Colonel E.
Hulse, E. H.
Hunt, F. S.
Hunter, Sir G.
Jackson, W. L.
Jennings, L. J.
Kelly, J. R.
Kenyon, hon. G. T.
Kerans, F. H.
Kimber, H.
King-Harman, right hon. Colonel E. R.
Knatchbull-Hugessen, H. T.
Knowles, L.
Lafone, A.
Lambert, C.
Laurie, Colonel R. P.
Lawrence, W. F.
Lechmere, Sir E. A. H.
Lees, E.
Legh, T. W.
Lethbridge, Sir R.
Lewis, Sir C. E.
Lewisham, right hon. Viscount
Llewellyn, E. H.
Low, M.
Lowther, hon. W.
Mackintosh, C. F.
Maclean, F. W.
Maclean, J. M.
Maclure, J. W.
Mallock, R.
March, Earl of
Marriott, right hon. W. T.
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Mildmay, F. B.
Milvain, T.
More, R. J.
Morrison, W.
Mowbray, rt. hon. Sir J. R.
Mowbray, R. G. C.
Mulholland, H. L.
Murdoch, C. T.
Noble, W.
Norris, E. S.
Northcote, hon. H. S.
Paget, Sir R. H.
Parker, hon. F.
Pearce, W.
Pitt-Lewis, G.
Plunket, right hon. D. R.
Powell, F. S.
Puleston, J. H.
Raikes, rt. hon. H. C.
Rasch, Major F. C.
Reed, H. B.
Richardson, T.
Ridley, Sir M. W.
Ritchie, rt. hon. C. T.
Robertson, J. P. B.
Robertson, W. T.
Robinson, B.

The Chairman

Ross, A. H.
Russell, T. W.
Sandys, Lieut-Col. T. M.
Sellar, A. C.
Selwyn, Capt. C. W.
Sidebotham, J. W.
Sinclair, W. P.
Smith, rt. hon. W. H.
Smith, A.
Spencer, J. E.
Stanhope, rt. hon. E.
Stanley, E. J.
Taylor, F.
Temple, Sir R.
Tollemache, H. J.
Tomlinson, W. E. M.
Townsend, F.
Trotter, H. J.
Tyler, Sir H. W.
Vernon, hon. G. R.
Vincent, C. E. H.
Waring, Colonel T.
Webster, R. G.
West, Colonel W. C.
Wharton, J. L.
Whitley, E.
Whitmore, C. A.
Wilson, Sir S.
Wodehouse, E. R.
Wood, N.
Wortley, C. B. Stuart-
Wright, H. S.
Yerburgh, R. A.
Young, C. E. B.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W. H.

NOES.

Abraham, W. (Limerick, W.)
Acland, C. T. D.
Allison, R. A.
Anderson, C. H.
Asquith, H. H.
Austin, J.
Barran, J.
Barry, J.
Blake, T.
Blane, A.
Bradlaugh, C.
Bright, Jacob
Broadhurst, H.
Brown, A. L.
Buxton, S. C.
Byrne, G. M.
Cameron, C.
Campbell, Sir G.
Campbell, H.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Clark, Dr. G. B.
Cobb, H. P.
Coleridge, hon. B.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Corbet, W. J.
Cossham, H.
Cox, J. R.
Craig, J.
Craven, J.
Cremer, W. R.
Dillon, J.
Dillwyn, L. L.
Dodds, J.
Esmonde, Sir T. H. G.
Esslemont, P.
Farquharson, Dr. R.
Flower, C.
Flynn, J. C.
Foley, P. J.
Fox, Dr. J. F.
Gane, J. L.
Gaskell, C. G. Milnes-
Gilhooly, J
Gill, T. P.
Haldane, R. B.
Harrington, E.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Healy, T. M.
Hooper, J.
Howell, G.
Hoyle, I.
Hunter, W. A.
Illingworth, A.
James, C. H.
Kenny, C. S.
Kenny, J. E.
Kenny, M. J.
Lalor, R.
Lawson, Sir W.
Lawson, H. L. W.
Leahy, J.
Lyell, L.
Macdonald, W. A.
M'Cartan, M.
M'Donald, P.
M'Donald, Dr. R.
M'Kenna, Sir J. N.
M'Laren, W. S. B.
Mahony, P.
Mappin, Sir F. T.
Marum, E. M.
Mason, S.
Molloy, B. C.
Morgan, rt. hon. G. O.
Morgan, O. V.
Morley, A.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, P.
O'Brien, P. J.
O'Connor, A.
O'Connor, J. (Kerry)
O'Connor, T. P.
O'Hea, P.
O'Kelly, J.
Paulton, J. M.
Pickard, B.
Pickersgill, E. H.
Picton, J. A.
Power, R.
Priestley, B.
Pyne, J. D.
Quinn, T.
Redmond, W. H. K.
Reid, R. T.
Roberts, J.
Rowlands, J.
Rowlands, W. B.
Rowntree, J.
Russell, E. R.
Schwann, C. E.
Sexton, T.
Smith, S.
Spencer, hon. C. R.
Stack, J.
Stanhope, hon. P. J.
Stuart, J.
Summers, W.
Tanner, C. K.
Tuite, J.
Waddy, S. D.
Wallace, R.
Warmington, C. M.
Wayman, T.
Will, J. S.
Wilson, C. H.
Wilson, H. J.
Yeo, F. A.

TELLERS.
Biggar, J. G.
Sullivan, D.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 126; Noes 217: Majority 91.—(Div. List, No. 170.) [7.55 P.M.]

Mr. W. H. SMITH: I claim now to move that the Question, "That the words 'any person who shall wrongfully, and without legal authority, use violence or,' stand part of the Clause, be now put."

Mr. DILLON (Mayo, E.): I rise to a point of Order. I wish to ask the Government whether a number of Gentlemen who have paired did not vote in the last Division?

The CHAIRMAN: That is not a point of Order.

Mr. T. M. HEALY: Is it not a breach of the practice of this House for a number of Gentlemen who have paired to vote in a Division?

The CHAIRMAN: That is not a question upon which I can rule.

Question put accordingly.

The Committee *divided:*—Ayes 212; Noes 122: Majority 90.—(Div. List, No. 171.) [8.15 P.M.]

Question put, "That the words 'any person who shall wrongfully, and without legal authority, use violence or,' stand part of the Clause."

The Committee *divided:*—Ayes 190; Noes 116: Majority 74.—(Div. List, No. 172.) [8.30 P.M.]

Mr. MAURICE HEALY (Cork): The Amendment which I rise to move is to substitute the word "threats" for the word "intimidation" which is now in the clause, and which is very vague in its meaning. I am of opinion that the Resident Magistrates may be inclined to give the word a meaning which it might not be intended to bear, and that, therefore, it may be used as an instrument of great tyranny and oppression. It seems to me that if the Government accept this Amendment, that the words "violence" and "threats" will be sufficient for bringing to bear upon the offences specified the penalties of this Bill, and that the offence which is popularly known as intimidation is one which ought not to be admitted into an Act of Parliament under that vague designation. Suppose a man takes an animal to a fair for the purpose of selling it, and suppose the people at the fair do not fancy the animal he has for sale, of course, whatever may be the defects of the animal he is offering, he may go to the Resident Magistrate and allege that he has not been able to sell his animal, and that, although no actual threats have been used to him, he believes there is intimidation in the air. I do not think that when a man makes a complaint of that kind, and is not able to show some substantial grievance — namely, that violence or threats have been used towards him, any Resident Magistrate should have it in his power to imprison a person or persons upon such an allegation. And I want the Government, if they intend that intimidation is to cover something beyond violence or threats, to tell us what other act is to be included under this term. Let them tell us what they have in view, and what is the mischief at which they wish to strike. If there is any definition in any Act of Parliament which describes what it is the Government intend to reach by this clause, let them put it into the Bill; but I do urge upon them not to place such enormous power in the hands of the Resident Magistrates by the use of so vague a term as "intimidation," which, as I have said, may be applied by them in a very improper manner. I will instance two cases which happened under the recent Coercion Act. At the time when the Act generally associated with the name of the late Mr. Forster was in force, a number of tenants were evicted; the Land League, which was then in existence, erected some huts on the roadside for the use of these persons, and for that purpose they sent down a common carpenter from Dublin. This man was not a politician; he knew nothing about the state of affairs, and was simply employed as an ordinary artizan to do the work. But what did Mr. Clifford Loyd do? He argued that the huts might in some way be used to intimidate the landlord; he arrested the carpenter who was doing the work, put him into gaol, and the man was bound over to be of good behaviour. Now, it is against acts of this kind that we wish to provide in seeking to have this Amendment put into the Bill. It seems to me monstrous that this constructive intimidation should be imported into the legal process in Ireland. We say that if the Executive can find any actual violence or threats, let those acts be punished; but we say, also, that acts of constructive intimidation ought not to be struck at. I will now refer to another case, which occurred, I think, in the County of Limerick. In this instance, a policeman summoned a boy who, he said, had whistled at him as he was passing along the street; he alleged that this little boy had intimidated him—that he was whistling at him in derision. I do not know what the result of this case was. I think a good deal of fun was made of it at the time, and I only use it as a specimen of the manner in which we may expect that an Act of Parliament of this kind will be used, if we import into it words which, although they may have a meaning in the dictionary, have no legal meaning.

Amendment proposed, in page 2, line 24, after "or," leave out "intimidation," and insert "threats."—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The hon. Gentleman either asks us to limit the operation of this clause by the words he proposes, or he does not. If, in his opinion, the terms "threats" and "intimidation" are synonymous, his Amendment is frivolous. If the hon. Gentleman will turn to Clause 19, he will see that the expression "intimidation" includes any words or acts intended and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of property, business, employment, or means of living. Now, the hon. Gentleman has not told us which of the clauses of that definition he objects to, and which he thinks would be struck out by substituting "threats" for "intimidation," for the Government are of opinion that there is not one of the acts or objects specified in that definition that we can afford to part with from this Bill. We cannot afford to restrict by one iota the words of the clause, and the hon. Member will, therefore, understand that it is impossible for us to accept his Amendment.

MR. ILLINGWORTH (Bradford, W.): On the return to this House of my late Friend, Mr. Miall, there was, during his candidature, a good deal of exclusive dealing. I want to know whether, if exclusive dealing occurred in Ireland, it would bring the unfortunate person who was the cause of it within the meshes of this Bill?

MR. T. M. HEALY (Longford, N.): The right hon. Gentleman the Chief Secretary for Ireland seems to suppose that we on these Benches do not know the meaning of words. He says that the definition of intimidation is in this Bill. Now, I say there is nothing of the kind. He refers us to the Definition Clause, and he says this is the definition of intimidation—

> "The expression 'intimidation' includes any words or acts intended and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of property,"

and so on. "The expression 'intimidation' includes"—exactly; but where is the definition? It includes, you say, certain things; but what does it exclude? It may mean anything in addition to what it includes. This is no definition at all; but the Government who bring in the Bill call it a definition—because you say that a gallon of water includes a glass; that is a definition of what a glass or gallon is. Will the Government put in, instead of the word "includes," the word "means?" If they do, then they will have defined intimidation; but, until then, they tell us nothing as to the meaning of the word. I ask the Solicitor General for England if it is a definition of intimidation to say what it includes without saying what it excludes? I venture to say there is no lawyer on that Bench, unless he is a fool——

THE CHAIRMAN: I hope the hon. and learned Member will pay a little more respect to the dignity of the House.

MR. T. M. HEALY: I shall observe your ruling, Mr. Chairman. I wish to point out the way in which this clause has been worked. And as an instance, I will refer to a case which occurred on the 7th of October, 1883. On that day a man was charged before the magistrates with having used threatening language. The words complained of were used towards another man at an auction, and they were—"Leave it to me." The magistrate said that the man had a good character, but that, as he had used threats, he should send him to prison for seven days. That is one instance of what the definition "includes." Here is another instance of intimidation. On the 22nd December, 1882, three respectable tenant farmers were sentenced to 14 days' hard labour for stopping a hunt, the Resident Magistrate who sentenced them being himself one of the huntsmen on the occasion—that is to say, we have a number of tenant farmers who object to hunting; one of the magistrates is a member of the hunt, and he says that the gathering of these people means intimidation, and he gives them each 14 days' hard labour. Besides this, 10 respectable young men were sent to prison for not dispersing. The magistrate is described in your own list as a man without any qualification. Again, on another occasion, a number of tenant farmers and labourers protested against the Marquess of Waterford's hunt at Curraghmore; all that was established against them was that they shouted—they used no threats—and yet they were sentenced to a month's imprisonment with hard labour. Will anyone tell me that there is anything in this Act to warrant this? And yet it was done, and I say it will be done again under your definition "includes." We object to "intimidation" as a word; it is not an English word, and it has no precise meaning. If you said "frightens," you would make the matter more clear; but you will not do that. You put in "intimidation," which means nothing. I say that so long as you have no definition of this word in the Bill—of words which are of that vague character that no one can understand them—so long will you leave to the Resident Magistrates an enormous amount of salvage over and above the wording of the Bill. I appeal to the Solicitor General, the Home Secretary, or the First Lord of the

Treasury, to say whether the word "includes" has any value at all as a definition?

Mr. MOLLOY (King's Co., Birr): I challenge the Solicitor General to say that any definition of intimidation is given in the Bill. Will the hon. and learned Gentleman deny that any act that may be complained of by any person will be sufficient to get a decision against a person charged with intimidation? The wording is, beyond expression, vague—

> "The expression 'intimidation' includes any words or acts intended and calculated to put any person in fear of any injury or danger to himself,"

and so on. I will undertake to say that if I speak at the next election disparagingly of the person opposed to me, and in such a way as tended to the loss of his seat, I should come under this clause. You do not define anything here, and yet the right hon. Gentleman points to these vague words as a justification for refusing this Amendment. Surely the Government do not intend that this word shall be used in the same way as my hon. Friends have pointed out the word "intimidation" has been hitherto used. If the Government do not intend that, what is the use of their retaining the word? Why does not the right hon. Gentleman endeavour to meet our views, either by suggesting another expression, or giving us a definition? It is clear that the right hon. Gentleman the Chief Secretary for Ireland has some object in retaining "intimidation," although I presume his object is not to retain it for the purpose referred to by my hon. Friend; but if he has a definite purpose, why can he not, in the interest of fair play, meet our views? We have given him the reasons why we object to the term "intimidation." We have shown, from what has happened in Ireland, how absurd this word is; we have given the case of the prosecution of a little boy of 11 or 12 years of age for having whistled a tune to intimidate the police, and which boy was kept in prison for one day at least. No doubt, the Government do not want the clause to be used in that way; but it has been so used, and I see no reason why it should not be used in this way again, considering the fact that the magistrates who so used it are still on the bench. We appeal to the right hon. Gentleman to accept this Amendment, and if he does not do so, it will be difficult to believe that the object is to use the Bill for other purposes than the word "intimidation" implies.

Mr. JOHN O'CONNOR (Tipperary, S.): I think there is a great distinction to be drawn between the two words "includes" and "means;" much more so than the Government acknowledge. I should like to know whether this section includes public meetings at which it is easy to imagine that the hon. Member for Cork (Mr. Maurice Healy) and others will address their constituents, and give them advice generally? When we have this word interpreted by the Resident Magistrates, I am inclined to think that it will be very hard to escape the charge of intimidation under those circumstances. I am, also, curious to know whether it is to include aid and assistance which it may be necessary to give to evicted tenants? We know that the landlords are engaged largely in issuing notices to quit; we have heard how a certain tradesman who went down to a locality to erect huts was charged with intimidation; we have heard that the erection of huts is an act of intimidation in itself, and that if it had not been for the action of a labourer who seized the reins of the Lord Lieutenant's horse in the streets of Dublin, those huts would not have been erected, and the tenants would have been to this day devoid of shelter. We think that the Resident Magistrates will consider it an act of intimidation for anyone to bring aid and assistance to tenants who have been evicted, and a person engaged in what the whole world regards as an act of charity will be subjected to the very severest punishment provided by the Bill. I remember that either the Solicitor General, or the hon. and learned Gentleman now Secretary of State for India, made an eloquent speech against the arrest of a young lady who was engaged in this work, and who was sent 14 miles by road to gaol in charge of policemen, for having brought assistance to evicted tenants. These necessary charitable acts have been and will be performed again, if not by the ladies in Ireland, by gentlemen, and I want to know whether those engaged in them will be liable to the very severe penalties provided against the offence of intimidation? I do not, of course, presume to argue this question from a legal point of view; but I am rather inclined to think that if this Act becomes law it will not be long before I and others, whom I know well, will come under its operation. I can scarcely conceive, unless this Amendment be admitted, that a man will be able to turn upon his heel in Ireland without coming under its provisions. I know the Resident Magistrates; I know the conduct of the men who are engaged in these political movements in Ireland, and I know it is impossible for them to avoid this, having regard to the interpretation that will be put on the word "intimidation" by the Resident Magistrates, and I am, therefore, anxious that there should be some clear definition of the term. I should like the word proposed by the hon. Member for Mid Cork (Mr. M. Healy) to be inserted, rather than that which we have in the clause, in order that we might know our position so far as to be able to avoid offending against the Act in the future, because, if I can possibly avoid it, I do not desire again to see the inside of one of Her Majesty's prisons.

MR. ARTHUR O'CONNOR (Donegal, E.): The right hon. Gentleman the Chief Secretary for Ireland thinks that by referring to the Definition Clause he is giving a clear idea of what the Government intend by the word "intimidation." That word has a historical existence. In O'Connell's case it was declared that the word did not import any very bad meaning; but it has since been recognized to import a harmful meaning. The Definition Clause of the Government explains the term "intimidation" as covering that which it never covered before. The extent of ground which it is now made to cover ought to have been in the mind of the draftsman of this Bill, because in the preceding Definition Clause you have a saving clause for trade unions, and that saving clause is that the crime of combination, which the Trade Unions Acts of 1871 and 1875 dealt with, is legal. That being so, in order to ascertain what the draftsman of the Bill meant to include by the word "intimidation" you must go back to the Act of 1875. The 7th section of that Act provides penalties for intimidation, for the offence of violence or otherwise; and it sets forth that every person who by intimidation endeavours to compel any other person to abstain from doing, or to do, any act which such person has a right to do or abstain from doing rightly or wrongly shall, on conviction, be liable to the penalties in the Act. What are the things made legal intimidation by the Act? They are—using violence to or intimidating another person, his wife, or children, or injuring his property, persistently following such other person about from place to place, or hiding any tools or clothes, interfering with him in his work, watching or besetting the house where he carries on work, or approaching such place, and the following of any such person by two or more persons in a disorderly manner in any street or road. That is the definition in the Act of 1875, and, as I mentioned before, Section 18 says that no act which is not an offence of intimidation under that Act shall be an offence of intimidation under this Bill. What is the effect of the Definition Clause if it remains in the phraseology to which we have been referred by the Chief Secretary for Ireland? It is to include any word or act calculated to put any person in fear of injury or danger to himself, or any person of his family, or person in his employment, and so on. Now, when you have extended the meaning of intimidation in such a manner as that, what will it not come to? Every form of language which the person to whom it is addressed may not like—words conveying only advice—may be considered to be intimidation. A caution or intimation that if such and such a course is followed certain results will take place—everything of this sort, however *bonâ fide* it may be, will be intimidation; and when we consider who are the men to administer the clause, it appears against reason to place such an elastic form of words at their disposal. There was one of that body who said—"We will fight the Nationalists down to Hell; and if Hell is frozen over we will fight them on the ice." Men who are capable of using such language as that are not those to whom the interests of the Nationalists should be confided, and yet, under this Bill, you will enable them to construe as intimidation what is simply meant as advice. I ask the Attorney General for Ireland whether the construction I have put upon the clause is not perfectly correct, and whether the definition of "intimidation" is not so wide that no Nationalist can reasonably be held to be safe before any Resident

Magistrate? Inasmuch as we have now reached the word "intimidation," it is all-important that we should have a clear definition of a term so elastic and dangerous. I ask the Solicitor General whether he is content that the interpretation of the word "intimidation" is one which has been accepted and recognized in the English Law Courts; and whether, in the present political and social circumstances of Ireland, it would be just or wise to give to the word a wider signification than it has received in England?

Mr. CLANCY (Dublin Co., N.): The attention of the right hon. Gentleman the Chief Secretary for Ireland has been directed to four or five very extraordinary cases of the abuse which is possible under the word "intimidation;" but the right hon. Gentleman, as well as the other Members of the Government, have remained perfectly silent. The Chief Secretary for Ireland, indeed, paid no attention to them while they were being stated, and, as soon as he could, went out of the House. It has been pointed out that this Definition Clause, which makes it in the power of any Resident Magistrate to say that any word or any act done or said to any person is intended to put him in fear is so wide that it is enough to put every man in Ireland in prison. I suggest that it is too wide, and that what the Government desire is to have it too wide. They do not want a measure only to enable them to deal out justice; they want a wide-sweeping measure which will enable them to do anything they like in the interest of the landlord class, and in the interest of those at Dublin Castle. My hon. Friend the Member for Tipperary (Mr. J. O'Connor) has pointed out that it would be impossible for almost every politician on the popular side to make his ordinary political speech if this clause is to be carried out in its present form. But that is exactly what the Government want; they want to prevent political speaking if they can. What the Government intended from the beginning, [and what they intend now, is to obtain a measure of tyranny sufficient to enable them to put anybody they like in prison who objects to the maintenance of the Union. That being the case, I think there is really no use in making any further appeals to the Government to state their meaning with regard to the word "intimidation." It is our duty to point out, if we can, to the English people what is the meaning of this clause. If a farmer meets a man who has taken a farm from which another man had been evicted and shakes his head at him, the man may go to the Resident Magistrate and say that the man had shaken his head at him, and at the next Petty Sessions the evidence of this single person that the shaking of the head was intended to put him in fear of his life would be sufficient to enable the Resident Magistrate, who has probably got his mind made up beforehand, and is one of the landlord class, to send the farmer to prison. Again, if a person of the class which is obnoxious to the population goes to Mass, and, instead of sitting in his own place, sits among people by whom he knows he is disliked, and if the people round about him get up and walk away from him, and sit and kneel in another part of the church, that, also, will be an act of intimidation. This man will be able to go to the Resident Magistrate and say he is put in fear of his life in consequence of these people getting up and passing him in church; and I have no doubt that the Resident Magistrate will send them all to prison. [*A laugh.*] The right hon. Gentleman opposite laughs at this; but I say that it is an illustration of what will take place, and is not a bit more preposterous than the other cases I have given. I think some more articulate reply than laughter should come from Gentlemen on the Treasury Bench, although probably they prefer that mode of answering. Our point is this—that this is about the worst clause in the Bill, knowing how it will be worked. And if the right hon. Gentleman the Chief Secretary for Ireland allows the word "intimidation" to remain on the clause, he will lay himself open to the charge that he desires the state of disturbance that will result rather than a state of peace. We are here to-night charging the Government with having that design and intention, and of course, if they carry out that intention by refusing this Amendment, the charge we make will be amply justified.

Colonel NOLAN (Galway, N.): It strikes me that the Government are not pursuing a very conciliatory course in this matter. If their intention is that the word "intimidation" should mean the same as "frightening" I think they ought to give way and accept the Amendment. It is very unsatisfactory, while an important question of this kind is being discussed, to see the Government represented by only two Law Officers and four of their supporters. It is rather a strange thing that these six individuals should be able to keep in a Bill words to which the whole Irish nation are opposed. I think, at any rate, that the Government should give way on this point. I have had some experience at ordinary Petty Sessions; and although hon. and learned Gentlemen on the Treasury Bench may not have a very large respect for those Courts, I say you are going to give them immense powers under this Bill. Now there is a class of cases, originating at fairs, which come continually before the Petty Session Courts, and up to the last five or six years the practice has been to bind the parties over to keep the peace; but now you are going to give the magistrates power to pass a sentence of six months' imprisonment. These matters will be judged in the same way as before—that is to say, the magistrates will take very little evidence. The manner of conducting business at fairs is not well understood by those who are not familiar with it. It is quite a common thing to see persons at a fair who look as if they were going to kill one another, and yet it is only their fashion of making a bargain. Under these circumstances, I think the Government ought to make a distinction with regard to the old rules under which the magistrates have been accustomed to bind people over to keep the peace. As my hon. Friend has said, the word "intimidation" is too elastic in itself, and, beyond that, it has been used in a very elastic manner; but you are now going to make such persons as I have referred to liable to six months' imprisonment. I wish there was something in this Bill to make the Law Officers of the Crown attend at Petty Sessions. I believe they have very little idea of what goes on there, and I have no doubt they suppose that the Courts are conducted in the same manner as the Superior Courts. But that is not the case at all. I say that when you are giving this tremendous power you should provide the magistrate with something definite and specific to go upon, and I believe that the adoption of the word "threats," which my hon. Friend proposes to substitute for "intimidation," will save the Law Officers of the Crown a great deal of trouble in reviewing cases which will be dealt with under this Act. I hope, therefore, the Government will see their way to accept this Amendment, although, having regard to the fact that they have done so little to meet the wishes of the Irish people, I have no great expectation of their doing so. It is not difficult to see why the Government refuse to accept any Amendment we propose; all they want is to have a red rag to flourish before the country during the Recess. They will say to the people of England—"We have made no concession to public opinion in Ireland; we have closured their Representatives four or five times a day; and we hope you will approve of what we have done." So far as the Representatives of the Irish are concerned, the feelings of those who send them to this House could not be treated with less consideration if we were ruled over by one of the Roman Emperors.

THE SOLICITOR GENERAL (Sir EDWARD CLARKE) (Plymouth): The hon. Member who proposed this Amendment says that the word "threats" is equivalent to the word "intimidation," and that as the Irish Members prefer the former the Government ought to substitute it for the latter. That, however, would seem to be a suggestion that the Government should hand over their Bill to be redrafted by hon. Gentlemen opposite, a suggestion which, of course, the Government cannot accept. The hon. and gallant Member for North Galway (Colonel Nolan) has remarked upon the small attendance during this discussion. I do not wonder that there are but a few Members in the House, because since the last Division the time of the House has been occupied by a series of irrelevant questions. Five hon. Members have put questions to the Government. The hon. Member for Bradford (Mr. Illingworth) has asked whether this Act would have applied to certain persons who misbehaved themselves at Parliamentary elections? The hon. and learned Member for King's County (Mr. Molloy) asks whether intimidation includes the case of a boy who whistles at a policeman? The hon.

Member for Donegal (Mr. Arthur O'Connor) calls on me to say whether I think it right that the administration of the Act should be left in the hands of a gentleman who is alleged to have used some very strong language with reference to the Nationalists. But I would point out that hon. Members who have asked these questions have all left the House without waiting for any answer to be given, and that the questions are not such as lead in the slightest degree to the elucidation of the question before the Committee. With regard to the Amendment, I have only to repeat what has been said by the right hon. Gentleman the Secretary for Ireland, that if this Amendment is intended in any way to limit the meaning of the word "intimidation" the Government could not accept it.

Mr. DILLON (Mayo, E.): The hon. and learned Gentleman says that Members on these Benches have not waited for replies to their questions; but I point out that this is the result of our having fallen into the habit of not expecting to get any answers from the Government. What we complain of is that the definition "includes" is no definition at all; that it simply stretches the meaning of the word without telling us what it does mean, and that the additional meaning given in the Definition Clause is of such a character that it leaves the Government open to punish anybody in Ireland — everyone who differs from the Government will probably fall under one or the other of the meanings given. It seems to us that a man who has built a house for you, which falls down afterwards, could be brought under this Bill. I contend that this clause, as now worded, places the liberty of every man in Ireland in the hands of the Executive, and that the only security we get is the assurance that the clause will be used with discretion; and we know by that that it will be used for political purposes. If a man goes into a shop and buys something, and tells a friend that what he bought there is bad, that will bring him under the clause; but, as I have said, by its means the Government will be able to punish every man in Ireland. We have endeavoured to argue this matter with the Government, but the only reply we have received is that the Government like the word "intimidation," and that if they were to substitute the word "threats" it would mean the handing over of the Bill to be re-drafted by Members on these Benches. That means nothing more than that they will stick to everything in the Bill. I want to point out to the Committee the gross and unjust way in which the people of Ireland are treated in this matter. I have always maintained that where there is a free Parliament, and the people are able to govern their own affairs, intimidation of the kind you are aiming at has existed, and always will exist, whenever the people have before it questions of interest. I maintain there never was a Bill of such a character as this driven through Committee so indecently by any Government; and if the promoters of this Bill are met with prolonged and angry opposition, it is entirely due to the heartless and unfeeling way in which they force these provisions through the House by means of an ignorant and mistaken majority. I do not believe there are 10 men on the opposite Benches who have read the Bill from beginning to end; and, if that is so, can they wonder that we resist it on behalf of our people to the utmost of our power?

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. T. P. GILL (Louth, S.): I beg, Sir, to support the Amendment. Such a change will not involve, on the part of the Government, any sacrifice as to the scope of the powers included in the clause, if the Government really honestly mean to limit the operation of the Act to the means that are defined in the Definition Clause. Now, I find in the Definition Clause that the word "includes" occurs three times, and the word "means" seven times amongst the paragraphs. We have this example—

> "The expression 'Lord Lieutenant' means the Lord Lieutenant of Ireland or any Chief Governor or Governors of Ireland for the time being."

Then, again, we have—

> "The expression 'aggravated crime of violence against a person' means an assault which causes actual bodily harm," &c.

But when we come to the expression "intimidation" we find it set down in the clause—

> "The expresssion 'intimidation' includes any words or acts intended and calculated to put any person in fear of any injury or danger to himself,"

and so on. If the Government, instead of the word "includes," would put in word "means," it would be limiting the clause to the offence specially defined, and would not be leaving a wide margin for the discretion of the Resident Magistrates as to the class of offence that they may deem intimidation when they come to work this Act. As to the discretion of the Resident Magistrates in this matter, when an hon. Friend of mine awhile ago was describing certain cases—for example, the boy who was punished for whistling in the street—I saw one or two hon. and learned Gentlemen sitting on the Front Bench opposite scoff at it as if it were an incredulous matter. I can quite understand their scoffing at it. I can quite understand the Solicitor General for England asking whether, in the case of that boy, there was a conviction or not. I do not know what happened in the case of the boy referred to; but there is a case here in which there is a conviction —a case in which a person summoned was sentenced to find sureties in £40, and to enter into his own recognizances, or in default to go to prison for two calendar months. His name was James M'Clusky, and he was summoned before Major Traill, the Resident Magistrate, who is rather notorious, and what was his offence? Why, it was that he, on several occasions, in the public streets of Armagh, had put out his tongue in a "threatening manner" at the Sub-Inspector of Police. This James M'Clusky, by putting out his tongue, threatened and succeeded in intimidating a gentleman who had at his hand a large force of Constabulary armed with rifles and bayonets and other weapons of war. The complainant, in course of his examination, said that this man was in the habit of intimidating him in the streets in this way; and the result was, as I have stated, that the man was sentenced to go to prison for two calendar months in default of finding sureties. This was a case in which a monstrous and ridiculous charge was made against a man as a matter of intimidation, and the Resident Magistrate who sentenced this young fellow to prison for two months in this absurd way will be one of the gentlemen who will have the administration of this Bill intrusted to them. Then there is another case brought up, where the Resident Magistrate appeared to be of a more sensible and a less tyrannical frame of mind, and reprimanded the police for bringing up the defendant. It was the case of Martin Ryan, who was summoned in Westmeath for calling Patrick Welsh "a rogue, a robber, and a welsher," and for threatening to blow out his brains with a stone. That case was dismissed; but it is a matter in the discretion of the Resident Magistrates how they shall deal with these cases, and we see that it is possible for one of them, in a case so trivial that it should never have been brought before the magistrates, to sentence a man to two months' hard labour in default of finding sureties to be of good behaviour. An enormous number of these cases could be brought before the Committee; but I am sure the Government would continue to treat them with the contempt they have already manifested towards those which have been mentioned in the course of this debate. This discussion has gone on for some time, and I think we may venture to appeal to any impartial witness—to yourself, Sir, for example—as to whether the statement made from this quarter of the House of the case made out for an improvement of this definition of "intimidation" is not one which well deserves the attention of the Government, or well deserves the attention of any Party in the House to whom this argument might be addressed? I think, if this discussion may be deemed by anybody to have gone on at a length which in these days of curtailment of debate is unusual, that the fault lies with the Government, who will not answer one of the statements or one of the arguments made on this side of the House, but simply get up and tell us that we are trifling with the House, or are assuming to re-draft the Bill for the benefit of the Government; and the Government merely scoff at our statements, as if they were unfounded, instead of replying, and instead of making some endeavour to carry out, by the acceptance of a reasonable Amendment such as this, their first declared intention as to the method in which they intend the Act to be administered. Sir, I would recommend to the right hon. and learned Gentleman who now represents the Government (the Attorney General for Ireland) the suggestion I have made—namely, that in Clause 19 we should go so far—though no one will be able to say it is going very far—as to leave out the word "includes," so as not to leave a margin to the Resident Magistrates to take any cases such as that of a person putting out his tongue in a threatening manner, and to put in the word "means," which, goodness knows, is sufficiently wide in its construction. I would ask the Government whether they intend to use this clause and this definition of the word "intimidation," as against the action of landlords who do what the Land Commission, through Judge M'Carthy, recently declared the landlords were in the habit of doing—namely, intimidating their tenants by means of eviction, and holding over their heads the species of terrorism that the Irish landlords are able to hold over the heads of their tenants—whether, I say, they intend to include acts of intimidation like that in the action they propose to take under this measure which they are now passing? I should like to have an answer to that question. Is it within their intention to do so, or do they only wish to bring charges of intimidation against the tenants? I would call your attention, Sir, to the fact that one of the Amendments which the right hon. Gentleman the Leader of the House stated to-night he considered to be of no importance is one which is moved by an hon. Friend of mine on this Bench, and which refers to that very portion of the definition of intimidation; and I hope that when we come to this Amendment you will consider it of sufficient importance to permit a discussion to take place upon it. It opens up a question which is a most important one—namely, the question of intimidation on the part of the landlords, which is a question that has not yet come before this Committee for discussion. I maintain it is intimidation of a far more serious character than anything which is done by the people in defence of their rights.

Mr. CHANCE (Kilkenny, S.): It is a curious thing that none of the many lawyers who obtained seats at the last General Election in the Tory interest have addressed the Committee in defence of a single word of this Bill, with the exception of hon. and learned and right hon. and learned Gentlemen who sit on the Front Bench, and who are, therefore, more or less pecuniarily interested in the fate of the measure and the fate of the Government, which is bound up with it. I think it is a significant circumstance that, with so many lawyers in the House, every one of whom is burning to distinguish himself in the interests of the Government, and probably with a view to his own ultimate interest, we should not have had a single word from any of them in defence of this Bill. When people were talking very large through the country on the introduction of this measure, when they were speaking about agrarian crime in Ireland, about the atrocities of the tenantry cutting off cows' tails and so on, no doubt many of the Gentlemen to whom I refer did speak; but when we come to the details of the Bill they do not appear to take the slightest part in what is going on, except this—that they now and then come in for the purpose of intimidating us and to vote for the Motion, "That the Question be now put." It seems to me that this word "intimidation" in this clause cannot be justified even on grammatical grounds, and ought not to be retained. It seems that intimidation to be effectual requires that someone should be affected by it—that, to use a legal phrase, there should be a grantor and a grantee. You cannot be said to intimidate the world in general; you must intimidate somebody. When you look at the next few words you see that the intimidation is intimidation "of or towards," and I confess I do not know what that means. You cannot intimidate towards a person——

The CHAIRMAN: The hon. Member, in the observations he is now making, is anticipating an Amendment lower down on the Paper in his own name.

Mr. CHANCE: Well, Sir, I was simply saying this—that intimidation is an offence which requires to be absolutely complete. I do not know what was in the mind of the draftsman when he put down the words as we find them in the Bill, because lower down we see a number of acts described incompletely, and I do not see how intimidation can possibly be used in their regard. When we turn to the Definition Clause—Clause 19—I find a similar difficulty in understanding it, becaase I there see—

"The expression 'intimidation' includes any words or acts intended and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment," &c.;

and I must point out that it is quite a new departure to use the word "intimidate" in that manner. If you look at the Trades Union Act of 1875 you there find intimidation dealt with. In that Act there is an offence clearly defined, but there is no question of "using intimidation towards," and so forth. And if you look at the definition of what may be reasonably termed intimidation or force—take, for instance, intimidation or an assault that may be a constructive assault—you find that an act that is to be constructively an assault must be an act giving to the person towards whom it is used reasonable ground to believe that the person using it means to apply actual force; but in this Bill there is no such limit or safeguard. Under this Bill, if any person, even the fool of the parish, chooses to say that he is put in fear by an act which is perfectly innocent, it will be a criminal offence, and I must say that is absurdly unreasonable. You should not say it is an offence unless the act done is calculated to put in fear a person of reasonable mind and of sound common sense; but I understand why the Bill is framed in its present shape. Of course, most of these acts of so-called intimidation will be alleged against Nationalists in Ireland, and it is desired on the part of the landlord class to have the widest means of alleging acts against these people which can be construed by the Resident Magistrates into acts calculated to produce fear. The whole thing is utterly unreasonable. I suppose, however, it will be passed by the usual majority, who stalk in at the beck of that living danger signal, the First Lord of the Treasury, when he desires to put the closure on. I do not see that it is any use arguing the matter, since I have no one to argue with.

Dr. KENNY (Cork, S.): I would like to point out to the Committee that it is not what the Government mean which will be taken into consideration in Ireland by the gentlemen who will have entrusted to them the administration of this measure when it becomes an Act of Parliament; but they will take into consideration what course is most acceptable to the powers that be. It is necessary that it should be impressed upon the Government that they should have this clause framed in definite language—in language as precise as that of the English law. As has been frequently pointed out, not only are the gentlemen who will administer this measure removable at pleasure, but they are always filled with gratitude, and gratitude we know, in the Parliamentary acceptation of the phrase, is a lively expectation of favours to come. These Resident Magistrates are always looking forward to get some fresh expression of consideration and approval from the Government; and, as persons who find themselves in that situation always do, it will be found that they go far beyond what the Government wish them to do. They will inevitably go beyond the length of their tether. Under these circumstances, I ask the Government to say what they mean by "intimidation." If they mean what we mean by the word "threats," why do not they say so at once, and accept our Amendment? This word "threats" would go much better with the previous words of the section. "Wrongfully intimidated" seems to have a contradiction in it. If you put in the word "threats," instead of "intimidation," you will facilitate the passage of the Bill, and the Resident Magistrates will find themselves with a very necessary curb put upon them.

Question put.

The Committee *divided*:—Ayes 168; Noes 111: Majority 57.—(Div. List, No. 173.) [9.50 p.m.]

Mr. CHANCE: I beg to move, in page 2, line 25, to leave out the words "or towards." I am glad to be able to announce to the Committee on this occasion that I speak by the leave and full concurrence of the right hon. Gentleman the First Lord of the Treasury. I hope, therefore, that the discussion on the Amendment will be a short one. We have already passed without discussion the most serious points. We have decided that amongst the criminals who are enumerated in this section shall be found any person who, wrongfully and without legal authority, uses violence or intimidation; and now we come to the words "to or towards." I confess it puzzles me how we can use the words "to or towards any person or persons" in reference to such an offence as intimidation. Intimidation is distinct from violence, and it is used here as something by which you produce an effect on the mind of someone. You cannot be said, therefore, to use it "towards" some one. People's minds do not reside outside them. To have intimidation you must produce an effect on the mind of some solitary individual; and, that being so, I cannot conceive what is the meaning of "intimidation towards." Intimidation is not like a shot gun, which you can fire off in the air. This is an example of the latitude which it is intended to give the Resident Magistrates—an example of the free hand you give them to enable them to put anyone they like into gaol. I hope the Government will not be unreasonable enough to insist upon the use of these words. In the Conspiracy and Protection of Property Act of 1875 you used the word "intimidation;" but you did not say "intimidation towards a person," as if intimidation was a weapon held up and brandished. Perhaps it meant that though you may not intimidate a person himself, you may do something to some member of his family and thereby intimidate him; but that does not justify the use of words which are puerile; and, therefore, I trust the Government will leave them out.

Amendment proposed, in page 2, line 25, leave out "or towards." —(*Mr. Chance.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The hon. Gentleman has referred to the Act of 1875, and he points out that it differs from the wording of the clause which we are now considering. That Act is liable to be evaded. If the hon. Gentleman were to read the debates which took place in this House in 1882 he would find it there stated by hon. Gentlemen who have had considerable experience in Ireland that though the section of the Act of 1875 to which he refers was a good one, so far as it went, it did not meet the difficulty in Ireland at that time. It does not meet the difficulty which exists now. The provision of that section, which forms, to some extent, the basis of this section of the Bill we are now considering, is not sufficient to deal with every form of intimidation in Ireland which has existed since 1881, more or less extensively, down to the present time. The hon. Gentleman asks, what is the meaning of introducing these words? The meaning of introducing the words is, as I explained in the House hours ago, that intimidation might not be directed to the individual himself—that is, that it might not be intimidation used by the person using it in the presence of the person against whom it is used—they might not be together—but it may be directed against a man through other channels, and by being directed through other channels may prevent that person from doing a great number of things which he has a legal right to do, by reason of this intimidation being brought to bear upon him. There might be discussion as to the best way of framing the clause to meet that point; but it has been considered before that the phrase we here use does meet the difficulty. It has been clearly shown that there are many cases where the condition of things would not have been reached if it had not been for the adoption of these words. Under the circumstances, the Government do not see their way to the acceptance of the hon. Member's Amendment.

MR. CHANCE: I understand that the case of the Government is a very short and simple one. They admit that "intimidation" is the production of an effect by one person upon the mind of another person, but they wish to punish intimidation, while they are unable to point out a single individual on whose mind this effect has been produced. I leave the Committee to judge of that position. I ask the Government if they have any other reason to advance for the retention of these words? If what I have stated is their admission it is a very grave one. It is that they mean that "intimidation in the air" is an illegal act, and that they wish to punish, by six months' imprisonment, people for doing acts which do not involve violence, and by which no single individual has been restricted in his action.

Question put, and *agreed to.*

MR. MAURICE HEALY (Cork): The next Amendment which is in my name is in line 30, after "persons," to insert "specified." The point involved in this Amendment has already, in an indirect way, formed the subject of discussion. There is the example of a number of cases in which prosecutions were instituted under the corresponding provisions of the Crimes Act. A number of parties were charged with intimidating persons unknown, and summonses were issued making a charge of intimidation, but without specifying the persons intimidated. It is needless to point out that that is a very unsatisfactory and improper course to take. In one of these cases an appeal was taken to the County Court Judge, and the County Court Judge decided that such a summons was bad in law, and refused to confirm the conviction of the magistrates, on the ground that the persons intimidated ought to have been stated. But in another case, where a number of appeals were made to the County Court Judge, where the same course had been taken by those issuing the summonses, the County Court Judge declined to take that view, and decided that the summonses were good in law. Whether or not such a course as that is good in law, the Bill ought to be made clear and precise on the point. I do not know what the intention of the Government is; but, at any rate, the matter should be here debated and clearly decided. I may give, as a sample of the improper way in which the clause, as framed, may work, this fact. An hon. Friend of mine went down to Westmeath and made a speech there. At that time there was a great deal of agitation in the country with reference to the question of the labourers of Ireland, and the action taken under the Labourers' Act by the Poor Law Guardians. A favourite allegation of the landlords was that, however anxious they themselves might be to make concessions, the tenants were not disposed to accept them. Well, my hon. Friend, in making a speech in Westmeath, discussed this view of the matter, and urged the County Authorities to treat their labourers properly, and said that if they did not take a proper view of the situation and treat their labourers as they ought to be treated, there was a danger that the force of the agitation would be turned against themselves. For using these words he was brought up before two Resident Magistrates, charged with intimidating the farmers of Westmeath, and those two magistrates sentenced him to two months' imprisonment, an imprisonment that was confirmed on appeal by the County Court Judge—an individual who had himself got at variance with my hon. and learned Friend (Mr. T. Harrington) in local politics in the County of Kerry. I think that is a very unsatisfactory state of things, and we have reason to believe that a similar state of things will arise under this Act unless precautions are taken. A clause against intimidation, general in its character, may be abused by the Resident Magistrates. Therefore, when the Government are re-enacting a provision of this sort, we have a right to ask them to insert some safeguard against an improper use of the section.

Amendment proposed, in page 2, line 30, after "persons," insert "specified."—(*Mr. Maurice Healy.*)

Question proposed, "That the word 'specified' be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): The hon. Member who has moved this Amendment has himself stated, in the course of his observations, what must be in the recollection of the Committee—namely, that this subject has already been discussed at considerable length. The discussion took place on one of the Amendments on Wednesday, I think, on a previous portion of the clause. An Amendment was discussed on the same basis as that on which the hon. Gentleman is now discussing this proposal.

Mr. T. M. HEALY (Longford, N.): It was not on the same point.

Mr. HOLMES: Practically it was the same point. The very instances the hon. Member who moved the Amendment were then quoted.

Mr. T. M. HEALY: But not on the same point.

Mr. HOLMES: That may be; but, as I say, the same instances were used. Our object in framing the clause as it stands is a very simple one. If intimidation is charged against certain persons, or against a certain class of persons, it may be utterly impossible to have it stated on the face of the summons what the names of the persons so intimidated are. Intimidation in Ireland is constantly being directed not against a particular individual who can be named, but against several individuals—a class of individuals residing in a particular place or district; and we conceive that form of intimidation should be punished, and therefore it would be impossible to limit the clause as suggested. The hon. Member refers to action which was taken under a previous Act. It would be impossible for us to check the difficulties the hon. Member referred to, because they are not in our knowledge; but this I do know—that under the Act of 1882 proceedings were frequently taken, and taken with success, against persons who intimidated a number of individuals, none of whom could be named, or none of whom it was possible to name at the time. The Government must insist on retaining the clause as it is drawn for the reasons that we urged when the matter was discussed for three hours on Wednesday last. It is not necessary for me, neither do I intend to reiterate the arguments then used.

Mr. T. M. HEALY: The right hon. and learned Gentleman has entirely mistaken the case of the previous Amendment to which he has referred; and I am surprised that, with his legal acumen, he should have attempted to debauch the Committee with his legal opinion in a sense contrary to the fact. What was the previous Amendment? Why, that you should compel the individuals intimidated to take out the summonses themselves. That is a very different thing to the point involved in this Amendment. It would be a reflection on the Chairman of Committees to suppose that he would allow a discussion to take place on an Amendment identical with one already disposed of. The object of the present Amendment is that when you take out a summons against a person for conspiracy, the person intimidated shall not be a person in the air, but a real individual. The Amendment really proceeds from the Conservative side of the House. The Conservative Party will have a great respect for Mr. Cross, now Lord Cross, especially as he is a Peer. What my hon. Friend asks for was inserted in the Act of 1875, because in that Act the persons complaining of intimidation were bound to nominate, so to speak, the individuals whose conduct they complained of. That Act said—

> "Any person who with the view of preventing any other person from doing or abstaining from doing."

[*Interruption.*] I do not complain. I rejoice at interruptions which we can understand, and can deal with in fragment. If the hon. Gentleman will again favour me with his interruption I shall be delighted to deal with him. But he will not. The section of the Act I referred to goes on to say—

> "Uses violence to or intimidates such other person, or his wife or children,"

thereby showing that these persons to be intimidated must be particular persons, or their wives or children. They must be intelligible, individual persons, such as John Smith, or W. H. Smith, or anyone else. That being so, so long as you are able to deal with them as individuals of flesh and blood, it is possible for a defendant to rebut the charges. The Judges in all these actions *pro* and *con* must depend, to a large extent, upon your proofs; but if you say you are "intimidated in the air," how is it possible that you can rebut the charges? If I am charged with intimidating a spirit—I will not say the spirit of any hon. Gentleman opposite—but of a person unknown—I cannot bring up that person unknown to prove that the charge is false, or I cannot cross-examine that person in proof of my position. But if I am accused of intimidating John Smith—I will not mention anybody else, I will stick to John Smith—I could bring up John Smith, and could show whether he was a person intimidated or not. That is a material point, and I will put that case to the hon. and learned Solicitor General, who always attends intelligently to what takes place in Committee, and does not give that perfunctory attention to what has taken place which some hon. Members upon that Bench do. If you are accused of intimidating A or B, you can bring up evidence to disprove that accusation; but if you are accused of intimidating Julius Cæsar, or some person who is dead, or some person who is unknown, how is it possible for you to defend yourself? I maintain that it is in that view that this Amendment ought to be pressed. Suppose I am accused of intimidating a person unknown, how can I prove a negative? But you look about for certain classes of persons, and you say this class of individuals has been intimidated. I say, produce one specimen. You do nothing of the kind; and I do put it to the Committee whether that is a reasonable and a proper Code that is to exist for all time? I myself have intimidated people in speeches that I have made over and over again, and I am happy to say that I have brought them in that way into courses which are right. Lord Salisbury endeavours to intimidate the Conservative Members, and successfully, to go against that which they believe to be a right and just course. We say to the people of Ireland, if you grab land you are doing wrong, and certain regrettable consequences will follow. You say that is intimidating a person unknown; and, being the master of legions, you say it is wrong, and it shall be punished. I ask you again to re-clothe yourselves in your Conservative mind as it existed in *Anno Domini* 1875, when you had no Liberal Unionists with you, when you were purely Conservative—before, so to speak, the primrose had been crossed by the orchid. I do ask in these circumstances, if simply on the ground of defence, that you should allow us to defend ourselves. I have defended a good many men, and most of them unsuccessfully, I must confess, because most of the juries have been "rigged." It may have been my fault. I do beseech the Committee to allow us to have some opportunity of defending ourselves; but if we are to be accused of intimidating persons who are unknown, I say it will be wholly impossible to have any line of defence under the circumstances. I therefore do hope that the Government will say that the Conservative Act of 1875, which was the intelligence and the wisdom of Parliament of that day, and which is not yet out of date, shall guide them on the present occasion. And I do hope that the Government will see their way either to accept this Amendment, or to effect its object in some way more suitable to themselves.

MR. HUNTER (Aberdeen, N.): I regret that the Attorney General is not here, as he might infuse a little common sense into the arguments from the other side of the House. If the Attorney General for Ireland had resisted the addition of this word on the ground that it was not necessary I could have understood him, though I could hardly agree with him; but when he contends that an intimidation which intimidates nobody is to be a crime and a misdemeanour punishable with six months' imprisonment with hard labour, it is, to my mind, maintaining a very *reductio ad absurdum* of law. No one is injured. If anyone is injured he can be specified. No one is intimidated. If anyone is intimidated he can be named. It is intimidation in the abstract, and intimidation that intimidates nobody, no human being being injured. No human being being produced, that is what you call applying English law to Ireland. I was glad to hear, a few moments ago, that the last Amendment was passed on the ground that English law was not strong enough for Ireland, and yet previously we were told that the Government were relying on the application of English law to Ireland. This is not the law of England or of Ireland, or of any rational country at all, and I hope hon. Members will go to a Division on the Amendment.

MR. CLANCY: I rise to reply to the remarks of the Irish Attorney General. I may say, as many were not here a while ago, that some evidence was given of the working of the Intimidation Clause of the Act of 1882. We then instanced several cases of a most extraordinary character, and no answer whatever was attempted to be given to these illustrations. The illustrations which we have given have been taken from the reports in the public newspapers of Ireland, including the Tory papers of Dublin—the organs of Dublin Castle. They are perfectly impartial newspaper reports. This collection of cases has been before the Irish public for several years, and so far as I know no effective criticism has been directed against their truth or accuracy. These reports show that the most preposterous use—the most extravagant use—has been made of the Intimidation Clause of the Act of 1882, persons being prosecuted who really committed no offence at all; and now we have, for the first time, a defence suggested—namely, that these cases probably do not exist at all. If that is the only answer that can be given I am afraid it is a very insufficient one.

MR. T. P. GILL: I think this is one of the most important Amendments that has yet been moved. It touches a very vital principle in this Bill; and that the Government should sit down so quietly, and not merely refuse to accept the Amendment, but refuse to give a reason for not accepting it, and say that the right hon. Gentleman the Leader of the House should include this Amendment in what he considers trivial and not worthy of attention, is, I think, a very remarkable fact, and a very striking illustration of the spirit in which the Government are regarding the attempt we are making to modify the severity of this Bill. It is a principle new to English law that a person is to be charged with a specific offence when a charge of violence or intimidation towards another person is made, and when the person alleged to be intimidated or to be injured is not to be named in the summons. The effect of the clause as it stands, and if unamended, will be that persons and prisoners charged with intimidation under this Act will be absolutely deprived of anything like a tangible defence; because if you charge a man with intimidation, and do not mention the person whom he is alleged to have intimidated, I really do not see how a man can defend himself, and the framing of the clause in this fashion through the rejection of this Amendment, at any rate, simply means that the Government deliberately undertake to strike away from the persons to be charged with intimidation under this Act their only possible and proper method of defence. I really think that this is one of the Amendments which, if this Bill is to be anything like an honest adherence to the pretensions that the Government put forward in support of their Bill, should meet with acceptance from the other side of the House. We should like to hear from any English Law Officer who is familiar with instances which are occurring every day in England, and whose mind is not demoralized with familiarity with the freedom with which Irish magistrates and Judges and Law Officers deal with the law which they have to administer in Ireland—I should like to ask one of those Gentlemen to get up and either persuade his Colleagues on the Tory Benches to accept the Amendment, or else give us good reason why he thinks this very simple, but, at the same time, very important Amendment is to be rejected without a word of explanation.

Mr. O'HEA (Donegal, W.): I quite agree with the observations of my hon. Friend, and I consider with him that this is a very important Amendment. I would go further, and would say that it would be more candid on the part of right hon. Gentlemen opposite to say that they object to the retention of this word "intimidation," and to be ready to substitute for it a more intelligible and less drastic word.

The CHAIRMAN: The hon. Member is speaking to an Amendment which has been disposed of.

Mr. EDWARD HARRINGTON (Kerry, W.): There is something to be said with regard to the word proposed to be inserted, which I have had occasion to say before. We have often come to turning points in these debates. Everyone fancies he sees a turning point, and I fancy I see a turning point between the punishment of *bonâ fide* intimidation practised on individuals, and the condemnation which may be put by Resident Magistrates on public speeches or published articles in newspapers. I do think that this is not too much to ask that persons should be specified, either the individuals or those classes that are intimidated. I base my argument in this way. I think it would be impossible for the Government to prove their case, if they do not allege that some person or class of persons were intimidated. I suppose it is only a waste of time, as usual, to try and impress these facts on the Government. To my mind the position of the Government is logically clear enough; they want, or affect to want, to punish in Ireland, not merely criminals by act, but also criminals by word—that inconvenient class of persons who may stand up on public platforms and denounce individuals to their possible hurt. I quite agree that those who direct their speeches at individuals, either to intimidate or threaten them, ought to be punished; but, at the same time, I think that the Government ought consistently with that to safeguard the right of free speech and the right of free writing in the public Press. Unless this Amendment is made, the Government, through their underlings, the Resident Magistrates, will have the right to bring up any newspaper writer or public speaker—in fact, any man who may venture to think aloud in Ireland—and to allege that he has been guilty of intimidation, while they need not specify the intimidation.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I hope the hon. Member for

Cork (Mr. Maurice Healy) will not suspect me of being intimidated by Lord Salisbury, or of having the least desire to dissent from the view the hon. Member has expressed of his sense of the importance of the insertion of the word "specify." But I hold that in the stand which the Government have, wisely or unwisely, taken—unwisely, as I think—it is not profitably taking up the time of the Committee to dwell any further upon this Amendment. I respectfully suggest to the hon. Gentleman that he should withdraw this proposal.

Amendment, by leave, *withdrawn.*

Mr. ARTHUR O'CONNOR (Donegal, E.): Mr. Courtney, I desire to submit to the Government and the Committee the reasonableness of making a slight verbal alteration in the first words of the 26th line. As the clause at present runs—

> "Any person who shall wrongfully, and without legal authority, use violence or intimidation to, or towards any person or persons with the view to cause any person or persons either to do," &c.

The alteration I suggest is that instead of the last "any" there should be inserted the word "such," so that it will read "with the view to cause such person or persons to do," &c. It may appear that that is open to the objection urged by the right hon. Gentleman the Chief Secretary for Ireland some time ago in regard to another Amendment—namely, that it is restrictive of the clause as it is at present drafted. It is clear that the present wording of the clause is open to very serious objection. The idea of a man intimidating one person with a view to cause another person to do something or other is a little too far fetched. I dare say the Government will be prepared to adopt the Amendment; if so, I will not dwell upon it at any length. But what I want to point out is this—that at present, as the clause stands, you may have A summoned for intimidating B with the view not to cause B to do a thing, but with the view of causing C to induce D to do a thing. With a telescopic clause of this kind, it is impossible to say what a man may not be charged with in reference to the effect of his action on three or four parties of whose very existence he may not have had any more information than the man in the moon. I beg to move the substitution of the word "such" for "any."

Amendment proposed, in page 2, line 26, omit the first "any," and insert "such."—(*Mr. Arthur O'Connor.*)

Question proposed, "That the word 'any' stand part of the Clause."

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): I think the hon. Gentleman (Mr. A. O'Connor) will see we cannot accept the Amendment, if he reflects that the intimidation directed against a wife to induce the husband not to do that which he has a right to do would be by this Amendment excluded from the purview of this clause.

Mr. ARTHUR O'CONNOR: In that case action could be taken under the Bill against the intimidator.

Mr. MAURICE HEALY: Moreover, the definition of the word "intimidation" would cover the case the right hon. Gentleman puts. The word "intimidation" includes

> "any words or acts intended or calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of property, business, employment, or means of living."

I think the right hon. Gentleman (Mr. A. J. Balfour) ought really to master his own Bill.

Question put, and *agreed to.*

Mr. MAURICE HEALY: It is rather a hopeless task to move Amendment after Amendment; but I do ask the Government to consider the Amendment, No. 76, which stands in the name of my hon. Friend the Member for North Donegal (Mr. O'Doherty). I think that if they do they will see that the words my hon. Friend proposes to insert will not materially weaken the powers given by this section. All the Amendment proposes to do is, that if the act which a party has a legal right to do is an act involving the violation of a contract or honourable obligation, that then persons shall have the right of animadversion.

Amendment proposed,

> In page 2, line 27, after "have," insert "without violation of a contract or breach of honourable obligation."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

THE SOLICITOR GENERAL (Sir EDWARD CLARKE) (Plymouth): The proposed words are entirely unnecessary, and really throw doubt on the words of the clause as they already stand.

MR. MAURICE HEALY: I do not think the hon. and learned Gentleman can have considered the Amendment carefully. The meaning of the Amendment is this—that if the act which it is sought to prevent by intimidation is of such a character that it would itself involve a breach of contract or breach of honourable obligation the Resident Magistrate is not to have the power of giving six months' imprisonment because the party who was injured by the breach of contract or honourable obligation chooses to animadvert upon the breach of contract in a manner which the Resident Magistrate chooses to construe into intimidation. That is the effect of the Amendment, and I really do not think that the hon. and learned Gentleman the Solicitor General understands it.

Question put, and *negatived.*

MR. MAURICE HEALY: Mr. Courtney, Amendment, No. 82, is an Amendment which is designed to protect persons in Ireland who are simply exercising their legal rights. It is greatly to be apprehended that if the clause passes in its present shape Resident Magistrates will use it in a very improper manner, in order to force people to do what there is no obligation on them to do, but the omission of which they will construe into acts of intimidation. It raises in an indirect manner the question of exclusive dealing, on which we have never yet expressly had a decision of the Committee. Now, Sir, what I say is this—that as long as a man keeps within his legal rights no punishment ought to be inflicted upon him, no matter what Resident Magistrates may think about his action. If I, Sir, being a shopkeeper, and not being a licensed victualler or anyone under a legal obligation to supply certain goods, exercise my legal right and choose not to sell my goods to a particular person, I ought to be at liberty to take that course. Again, if I am a buyer at a fair, and choose not to buy of some person who has done something I dislike, surely I am only exercising my legal right if I do not buy from such a man, and ought not to be punished. The Government professes to be anxious to prevent intimidation. This is an Amendment to prevent intimidation by Resident Magistrates and other gentlemen occupying official positions in Ireland. It is an Amendment designed to preserve their legal rights to that vast body of the Queen's subjects in Ireland who take views upon political matters which are, no doubt, very offensive to Government officials in Ireland, but which, notwithstanding, it is perfectly competent for them to take. These persons ought not to be at the mercy of officious constables and Resident Magistrates who may choose to construe very innocent acts as acts of intimidation. I hope the Government, who say there is no freedom in Ireland, and that this Act is brought in to secure liberty for the people, will accept this Amendment, which is designed to preserve to a large class of Her Majesty's subjects in Ireland the enjoyment of their legal rights.

Amendment proposed,

In page 2, line 34, after "doing," insert—"Provided nothing herein contained shall be construed to oblige or compel anybody to do any act which he has a legal right to abstain from doing, or to abstain from doing any act which he has a legal right to do."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): Mr. Courtney, I confess I have difficulty in understanding the meaning of the words which are proposed by the hon. Member. As far as I can see, there is nothing in the Bill which does compel anyone to do anything whatever; certainly there is nothing to

> "compel anybody to do any act which he has a legal right to abstain from doing, or to abstain from doing any act which he has a legal right to do."

MR. CHANCE (Kilkenny, S.): I cannot understand at all the observations of the right hon. and learned Gentleman the Attorney General for Ireland. The ground upon which the Government cannot condescend to accept the proposal of my hon. Friend (Mr. Maurice Healy) is that there is nothing in this section which compels anyone to do or not to do anything within his legal rights. A few moments ago the right hon. and learned Gentleman referred to what took place in 1882; but he need not have gone back so far—it would have been enough had he remembered what took place a few days ago. I recollect distinctly that when we were discussing the 1st sub-section of this clause the case of the Government was that they created no crime whatever by the clause; and yet, later on, the Attorney General for England (Sir Richard Webster) moved words limiting the clause, by declaring that nothing shall be punishable except that which is already punishable by law. Under those circumstances, it must be assumed that the Government did intend to alter the law. The right hon. and learned Gentleman (Mr. Holmes) had difficulty in understanding to what this Amendment would apply. I will give him an instance; suppose you went along a road whistling, it would apply to that. I know you have a perfect right to whistle on the road, yet we know that a boy of 12 years was committed to gaol for whistling at a policeman. I believe his sentence was afterwards commuted on technical grounds; but, at any rate, he was convicted by a Resident Magistrate, or two Resident Magistrates, of the very grave offence of whistling in the public streets. This Amendment would act as an indication to the Resident Magistrates that, although the Government did intend to give them enormous powers, they did not intend that the powers should be used for the purpose of punishing people for doing what they are perfectly entitled to do at present. This Amendment cannot possibly do any harm if the Government are anxious that the Act should be properly and fairly administered.

Dr. KENNY (Cork, S.): The Government now seek to get rid of an Amendment by saying they do not understand it, and they are sure hon. Members opposite do not understand it. That is a very easy form of argument; but I think it has been proved all through these debates that we do understand what we are aiming at. Our object is not to give power to irresponsible tribunals of such a character as will enable them to play ducks and drakes with justice in Ireland. This Amendment is, in our opinion, exceedingly important, for it aims at preventing a grossly improper use of the powers given by this clause to Resident Magistrates. Under this clause, as it stands, there is no doubt in the world that the tenant who refuses to buy from his landlord at some exorbitant rate may be brought up and sentenced by the two gentlemen to whom the power of adjudicating will be entrusted; he may be charged with intimidation or exclusive dealing, because he has refused to do something which his landlord may desire him to do. We are strongly of opinion that we ought to press this Amendment to a Division; and I certainly think our constituents would be very discontented if we did not divide upon this occasion. I hope the Government will come to some reasonable understanding with us upon this very proper proposal of ours.

Mr. T. M. HEALY (Longford, N.): It is very refreshing that we can propose Amendments which the Government do not understand. We have hitherto been met by every form of excuse for the non-acceptance of our Amendments; but this is the first time we have had the reason assigned that the Government cannot understand what we propose. We put an intelligent form of words on the Paper, and the Government simply say, "We do not understand it." The Chief Secretary for Ireland (Mr. A. J. Balfour) the other night said that an Amendment did not make the words of the Act any clearer: it seems that you are reduced to two replies; the first is, that the Amendment does not make the Act any clearer; and, secondly, that the Government do not understand what is proposed. This is a very convenient way of voting away the liberties of a people; but I submit that when you are dealing with a tribunal composed of Resident Magistrates the Government ought readily to accept Amendments providing that any acts legal in themselves should not be punishable. That is all this Amendment provides. In the section it is provided that a person who refuses to deal with another shall be penalized. The Government have been stumping the country with the idea that people have been deprived of the necessaries of life by reason of what they call "exclusive dealing;" but, under this Bill, persons will be compelled to buy from people as well as to sell to them. I presume that this Amendment deals with that particular direction of affairs. If a man has cows to sell he shall not be able to compel people to buy his cows. I do think that, under the circumstances, the Government might provide a little illumination to their own minds by reading the words of the Amendment. We have reached the most extraordinary pass that the Government propose to get rid of Amendments by reason of the languor, or pretended languor, of the Chief Secretary for Ireland, who illustrates his languor by his posture at the present moment, or by the mental languor of the Attorney General for Ireland, who says he will not apply his mind to the understanding of our Amendments. I will not refer to the First Lord of the Treasury, because he understands everything that is said and done in this House; it would be unfair to apply any ordinary rules to the right hon. Gentleman. But I will take as the apex of intelligence on legal points the Solicitor General for Ireland (Mr. Gibson), and ask him whether there is anything in this Amendment which the Government can really object to? This is a proposal that nothing in this clause shall be construed to oblige any person to do any act which he has a legal right to abstain from doing. For instance, if land-grabbers can allege they have been prevented from selling their cows by particular people, these people will be sentenced for refusing to buy the cows, because the Resident Magistrates, knowing nothing about the matter, will side with the land-grabbers. I will recall to the English mind a very old maxim, "Do unto others as you would be done by." Would Englishmen propose to apply this section to themselves; if this is so good for Ireland why do you not apply it to England; why do you not provide that the requirements of this section shall be applied to your own dealings in this country? You will not do that. Something may be said in favour of making it penal to refuse to sell to individuals; but, at any rate, why should the refusal to buy be made a penal offence? The Government say they desire nothing that they would not make the law in England. If that is so, I should imagine that when an Amendment is proposed providing that no act legal in itself shall be construed by the Resident Magistrates to be illegal the Government would have jumped at it, if we can conceive the right hon. Gentleman the Chief Secretary for Ireland indulging in any such activity. The Attorney General for Ireland says he cannot understand the Amendment. I would like to ask the right hon. and learned Gentleman, if he were in Court, would it be fair to meet an argument by saying he could not understand it? He must understand the Amendment; he is paid to understand it; and I submit that there is nothing clearer to the ordinary mind than to say that if a particular act is legal in itself it shall not be rendered illegal by any construction of law. To refuse to buy from any individual is a perfectly legal proceeding. The Government, only a half-an-hour ago, set forth by adopting a system of exclusive dealing. They said that there are certain Amendments they will exclusively deal with, and that there are other Amendments they will not deal with at all; they really mean to Boycott certain Amendments, and allow me to say that is what we complain about. If you say it is fair, we say, from our point of view, our proceedings are equally fair. I ask the right hon. Gentleman the First Lord of the Treasury—who is the chief of the tribe of exclusive dealers—I ask him to say whether he does not consider it is a perfectly legal thing to refuse to buy from persons of opposite politics? I am sure the right hon. Gentleman will say that such a thing is perfectly legitimate. Under those circumstances, I ask the Government to reconsider their decision. It is really prolonging debate for the Government to treat us as they are treating us at the present time. Besides, the present system of dealing with Amendments is not a wise one; because all the Amendments they are now passing by can be put down as new clauses. If you treat our Amendments with contempt now, we shall simply be compelled to bring them forward as new clauses upon Report. I trust the Government will see their way to act in a logical manner in regard to the reasonable Amendments we propose.

MR. CLANCY (Dublin Co., N.): If there is anything more likely to occur than another, it is that a hunt in a certain district will be stopped, and there is nothing more certain than that farmers have a perfect right to prevent hunting over land in their possession. The Attorney General for Ireland will not deny that the holder and occupier of land has a perfect right to prevent people from hunting over his ground. Now, what occurred in the County of Waterford in December, 1883? On the

22nd of that month, 34 tenant farmers and labourers were prosecuted for interfering with the meet of the Curraghmore Hunt. The majority were respectable men, but that did not prevent their being prosecuted. The evidence against them simply established the fact that they shouted, but committed no violence, or used any threats. Well, for merely assembling together and shouting, some of these men were sentenced to a month's imprisonment with hard labour, others were sentenced to 14 days' imprisonment, and an application to have the imprisonment increased to a month for the purpose of having an appeal, was actually refused by the Resident Magistrates. On this occasion a rather remarkable incident occurred, and one which is extremely suggestive, and which shows what will happen under the administration of Acts like this. On the table were found printed forms of committal regularly filled up and only awaiting the magistrate's signature, the name of the convicted, and the amount of punishment awarded. It was quite evident the forms were filled up before the conclusion of the case, and immediately after the witnesses for the prosecution had given their evidence. I should like to know what answer the Attorney General for Ireland has for a case like this; he cannot deny it occurred. If he does deny it, I refer him to the public newspapers of the time, December, 1883; he will find the case reported in the Tory Papers as well as in the Nationalist papers. If he denies that this thing has happened, will he deny that it may happen under the present Act, and will he deny that it will be a reasonable thing to prevent such a case recurring. It is perfectly preposterous to imagine that a farmer in Ireland has not a perfect right to prevent any landlord he chooses from hunting over his land; and under this Act, unless this Amendment is adopted, you will have plenty of prosecutions in Ireland of farmers obnoxious to particular landlords for preventing them hunting. All I can say is, that I do not think it will conduce to the peace and good order of Ireland to have a clause like this, capable of being worked in such a fashion. If the Bill of the Government is to produce disorder, their wishes will speedily be realized.

Mr. JOHN O'CONNOR (Tipperary, S.): I think that after the speeches which have been addressed to the Committee recently, the Government can scarcely plead obtuseness in regard to this Amendment. I think its scope is clear; it is a protection against an ill use of the clause as it stands. We have had the possible manner in which the clause can be applied fairly illustrated by the case of hunting, and I can endorse everything said by my hon. Friend (Mr. Clancy) in regard to the manner in which this clause will be made to apply in order to compel people to allow hunting to take place over their lands. Unless this Amendment be accepted, the Act will be reduced to an absurdity. The police, in the tyrannous exercise of their discretion, will commit such acts as will reduce the Act of Parliament to an absurdity. The police, I know, will be tempted to compel one labourer to speak to another. We have had the case of a boy being brought up for whistling at a policeman; is it not possible to conceive the case of a man being brought up for not speaking to his neighbour? The police may compel shopkeepers to sell to people whom they have no desire to trade with; they may compel a baker to sell his last loaf of bread to an obnoxious individual, although that loaf may be required for his own family. [*Laughter.*] It is quite possible that these things may be done in Ireland; it is a very easy matter to laugh at these things, but I can assure hon. Members that they are very likely to occur. After the illustrations we have given, the Government ought to accept the Amendment.

Question put, and *negatived.*

Mr. ANDERSON (Elgin and Nairn): Mr. Courtney, I beg to propose the omission of the word "riot," in line 35. No doubt, hon. Members of the Committee understand by "riot" some very serious occurrence. The ordinary idea is that a riot means the breaking of heads and great danger to property; but in point of law it is nothing of the kind; I will give a simple illustration. If two or three persons, one of them believing he has a right to get possession of a farm from which he has been evicted, join together and use violent language or violent gestures and take possession of the farm, that in law is a riot. Now, the Attorney General for Ireland, I am sure, will not contradict that. It is most important when we are dealing with an agrarian question about which there are a great many disputes, that we should not put it in the hands of Resident Magistrates, as is contemplated by this sub-section. If half-a-dozen people, as constantly happens, take possession of a farm, I do not think it ought to be within the power of a Resident Magistrate to punish the people by sentencing them to six months' imprisonment with hard labour. I am sure that is never intended. I do not know whether it is intended by the Government, but I do not think it is intended by the Committee. The Resident Magistrates of Ireland ought not to be entrusted with such power, and, therefore, I move this Amendment.

Amendment proposed, in page 2, line 35, leave out "riot or."—(*Mr. Anderson.*)

Question proposed, "That the words 'riot or' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I object to the Amendment.

MR. MAURICE HEALY (Cork): I think that the Amendment is a perfectly reasonable one. The riots of which the Government complain are generally riots which take place at evictions, and a riot taking place on such an occasion would be quite covered by the 1st sub-section dealing with a conspiracy, or by the sub-head of Sub-section 2 of the clause which deals with assaults committed on officers of the law in administration of the law.

Amendment, by leave, *withdrawn.*

MR. SHAW LEFEVRE (Bradford, Central): Mr. Courtney, I now rise to move the omission of the words "or unlawful assembly." I think, no doubt, I shall be met with the usual stock argument that these words were included in the Act of 1882. That was so; but we must look at these words in connection with Clause 7 of this Bill, which will carry the matter infinitely further than was ever contemplated in the Act of 1882. In the discussion on the Act of 1882 it was promised by the then Government that that Act should never be put in force for the purpose of putting a stop to political agitation of any kind, and as a matter of fact, it was never so used; and I am informed that there never was a prosecution under this particular section to which we are now referring. In this Bill hon. Members will see, on referring to Clause 7, that it will be possible for the Lord Lieutenant to proclaim and prohibit at any time any association which he believes to be dangerous, and having so declared the association to be a dangerous one, then any meeting of any kind or assembly in connection with that association would become an unlawful meeting, and under the clause now before the Committee, it will be possible for any person taking part in any such meeting, or practically any part in the combination alluded to in Clause 7, will become liable to be imprisoned with hard labour for six months. That appears to me to be a very dangerous power to give to Resident Magistrates. You are practically giving power to the Lord Lieutenant to put an end to every kind of political agitation, or to any combination of an agrarian character. However, I do not propose now to enter fully into a discussion of Clause 7; but I mention it for the purpose of showing that we must scrutinize very closely the section now under consideration. What I want to understand from the Government, in the first place, is what they intend by the words, "unlawful assembly;" and, secondly, what they intend by "take part in any riot or unlawful assembly." It is quite true that there are certain *dicta* of the Judges which would carry "unlawful assembly" very far, and, I believe, it has been said by some people that the mere assembling together for an unlawful purpose is an unlawful assembly; but, so far as I can make out, that is not the view of the best lawyers on the subject, and that unlawful assembly has a much more, a very much more restricted sense. In the Criminal Code an unlawful assembly is defined as an assembly of three or more persons to carry out any common purpose in such a manner as to disturb the peace or to provoke other persons to disturb the peace tumultuously. What I wish to ascertain from the Attorney General for Ireland, or from the Attorney General for England, is that whether in that restricted sense they understand the words "unlawful assembly," or whether they understand them in the much vaguer and wider sense? What is the meaning of the words "take part in?" I have consulted able lawyers on this question, and many of them believe that the words "take part in" mean merely being present at an assembly. Well, is that the sense in which the Government intend these words to be construed? Do they really mean that persons merely being present at such meetings will be liable to be imprisoned for six months with hard labour? On this point there have been various decisions given in the Law Courts, and although I do not find that any person has ever been indicted for taking part in an unlawful assembly—the indictments generally run for tumultuous and unlawful assembly, which is a very different thing. A very important case arose out of the Gravesend election in 1869, and in that case it was laid down that any persons who were present at a tumultuous and riotous meeting, but did not actually take part in the riot, although they were immediately concerned with persons who did take part in it, were not guilty of any offence. The Court even held that the person who actually employed a number of persons who took part in the riot, was not guilty of any offence. Do the Goverment mean to convey tnat persons present at a meeting are to be liable to be indicted? These words are apparently unknown to the law at present, certainly they have never been included in any indictment. At present, I do not wish to do more than raise the question as to what is the real meaning of these words. As they stand, they are words of the very vaguest description, and are not such as can safely be interpreted by that very ignorant class of persons—namely, the Resident Magistrates. At present, there is always the protection of a jury and the higher Judges of the land in such cases, whereas, now, what is proposed is to relegate these cases to inferior Courts. I beg to move the omission of the words.

Amendment proposed, in page 2, lines 35 and 36, leave out, "unlawful assembly."—(*Mr. Shaw Lefevre.*)

Question proposed, "That the words 'unlawful assembly' stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I may reassure the right hon. Gentleman, with regard to the first part of his remarks, by reminding him of a fact he will not dispute—namely, that he himself voted for a precisely similar clause in 1882. I cannot agree that this is not a legitimate argument to use; however, I will not refer to the action of previous Parliaments, but will deal with this sub-section on its merits. I would remind the right hon. Gentleman of a fact with which, I think, he can hardly be acquainted, though the Attorney General for Ireland has just alluded to it—namely, that last Wednesday the Committee decided to extend this particular sub-section, not merely to proclaimed districts, but to unproclaimed districts. The hon. Member for Cork told us just now that he did not at all believe that the section was good, but that if it were adopted it should be adopted impartially. If the thing is bad in itself it ought to be restricted to the narrowest possible limits. If the Committee decided that it should be extended to the whole of Ireland, whether the whole of Ireland was proclaimed or not, I take it it was the fact that the whole of the Committee were of opinion that the provision is in itself a good one. What we know of recent Irish history is ample ground for thinking that that opinion is correct. Why do hon. Gentlemen below the Gangway desire the provision to be extended to the whole of Ireland? The reason probably is that they think the Government would not proclaim Ulster, where there are likely to be unlawful meetings which should be dealt with summarily.

MR. MAURICE HEALY: No; riots.

MR. A. J. BALFOUR: The hon. Member included the whole of the section. The argument was that there might be unlawful assemblies, and that these should be dealt with summarily. Undoubtedly, what we know of judicial proceedings in Ireland confirms that view. What was it that constantly happened at the trials which were held after the Belfast riots? Why, it happened that the Judge frequently instructed the jury that those who were brought up for trial were not guilty of riot, but were guilty of taking part in an unlawful assembly; and it was on that instruction from the Judge that the jury found them guilty. If that course had not been adopted by the Judge these people could not have been found guilty of unlawful assembly. They could have been found guilty of riot; but they would not have been open to summary jurisdiction. The right hon. Gentleman opposite says that in these cases accused persons ought to have the protection of a jury. The right hon. Gentleman cannot be aware that a Royal Commission sat on the Belfast riots and reported on this very question; and, according to the Report of that Royal Commission, one of the things recommended for the prevention of these riots —which are a disgrace to Ireland, and I here speak of Ireland as a whole—was the adoption of a summary mode of dealing with the offenders. If the Amendment of the right hon. Gentleman is carried it would be impossible to punish rioters in the North of Ireland by summary conviction. I have not rested my case on the precedent of the Act of 1882, but I have rested myself on facts which are notorious. I have shown the Committee that the Report of the Royal Commission appointed to inquire into this question of rioting in the North of Ireland conclusively proves that if this Amendment is carried a blow will be struck against public peace and order in that part of the country; and for this reason, if for no other, I would ask the Committee to reject the Amendment. The right hon. Gentleman has asked one or two questions upon legal points which I think he ought not to have asked. He asked what taking part in an assembly was? I would reply to his question that taking part in an assembly is a question of fact, and means, not being present in the neighbourhood of such an assembly, but taking part in it and voting at it. But I am not capable of entering into legal discussions with the right hon. Gentleman upon imaginary cases. Taking part in an assembly, I say, is a question of fact which has consequently to be decided by the tribunals of the country, and the tribunals which exist in Ireland are perfectly competent to determine such cases. The reasons I have given, drawn entirely from the North of Ireland, are quite sufficient, I think, to convince the Committee that whatsoever else we do, we should seriously weaken the strength of the clause if we were to accept this Amendment.

Mr. JAMES STUART (Shoreditch, Hoxton): I would press Her Majesty's Government to answer this question as to what the meaning of taking part in an assembly is? Does it mean simply voting at a meeting? The right hon. Gentleman himself has drawn a distinction between taking part in a meeting and taking an "active" part in one.

Mr. A. J. BALFOUR: I have done nothing of the kind. I have drawn no distinction; but have said that taking part in an unlawful assembly means taking an active part.

Mr. JAMES STUART: Then I ask what taking an active part in a meeting is? This is an important question, and I desire to know who are to be held the persons taking an active part in an unlawful assembly—is it those who are present at the meeting; is it those who summon the meeting; or those who vote at the meeting? Does it include these? The right hon. Gentleman says that it does not mean those who are in the neighbourhood of the meeting and are not taking part in it.

Mr. COLERIDGE (Sheffield, Attercliffe): I observe there is another question which has been asked and has not yet been answered by the right hon. Gentleman the Chief Secretary for Ireland. It is a most important question, and it is whether or not the Government intend to limit by this Act the definition of "unlawful assembly?" ["No, No!"] If they do not, I presume the "unlawful assembly" which is intended to be meant by this Act is unlawful assembly as known to Common Law in England, and not as known or as defined by this Act, or as known under the heading of an assembly of a dangerous association. I think the Committee can hardly be aware of the extremely vague terms in which "unlawful assembly" under the Common Law of England has been described. I will simply quote one case to show how enormously wide the description of "unlawful assembly," as it has been laid down, is. I will mention the well-known case of the Peterloo massacre, where the Judge laid down and defined the law as to unlawful assemblies in these words—

> "All persons assembled to sow sedition and bringing into contempt the Constitution are in an unlawful assembly. All persons assembled in furtherance of this object are unlawfully assembled."

I may mention, also, the fact that persons have been convicted under indictments in this country framed in the following language:—

"For unlawfully, maliciously, and seditiously meeting for the purpose of exciting discontent and disaffection, and inciting the subjects of the Queen to hatred and contempt of the Government and Constitution of this Realm as by law established."

[*Ministerial cheers.*] Hon. Gentlemen cheer that language; but I say that the only thing that has prevented that law from being grossly abused in this country has been the right of trial by jury, and if this law is to be laid down as applicable to Ireland, and if Resident Magistrates are to administer the law as laid down in those terms, I should like to ask whether there is a Resident Magistrate in Ireland who will not consider every political meeting of every sort or kind in Ireland an "unlawful assembly?"

MR. EDWARD HARRINGTON (Kerry, W.): I think I can describe to the right hon. Gentleman what is meant by taking an active part in a meeting. He first attempted to draw a distinction between taking a part and taking an "active" part. I think I heard him ask whether the reporters who come to attend a meeting or an unlawful assembly would be considered by the Resident Magistrate as taking part in that unlawful assembly and would come under that Act? Would the right hon. Gentleman opposite do me the favour to say whether those people would come under the Act or not? He is silent; but the Resident Magistrates—I am speaking from their recorded action—are not silent upon the point. We have a case where two reporters were sent to prison for four months for attending a meeting in the ordinary course of their duty, just as a French journalist or English journalist might be sent to prison at any moment for doing so.

MR. DILLON (Mayo, E.): I should like to ask upon what kind of evidence is a person to be convicted? As I have always understood the law in this country, or the practice of this country, people are exceedingly jealous of any punishment on taking part in meetings; and above all things it is required that there should be the fullest proof that a meeting did take place, and that the people refused to disperse when called upon to do so, and that there was violence exercised. I have had a wide experience in these matters, and in many instances I have attended the places where the meetings were proclaimed and forbidden to be held, and there can be no doubt that the mere fact of my presence at those places, in numberless instances, would have been held by the police to constitute in the case of the people gathered there taking active part in an unlawful assembly. In Rosslea, for instance, no meeting took place, and there was not the slightest intention to hold any meeting. The police, however, and the Government reporter stated that a meeting did take place, and the police dispersed some people in the streets. Though I say no meeting was held, and though it was not proposed to hold a public meeting, nevertheless, the police charged the people and scattered them, and there cannot be the slightest doubt that if this section of this Bill had been in force at that time, the people in the streets of Rosslea would have been liable to be brought up and convicted for taking part in an "unlawful assembly" on the evidence of the very policeman who apprehended and batoned them in the streets. If I had been examined under such circumstances my oath would have been to the effect that no meeting took place; but that would not have availed anything, because the people had gathered into the town, and the magistrates would have held that an "unlawful assembly" had taken place, and every one of those thousands of people would have been liable to imprisonment under this clause. A practice of the most scandalous and mischievous character as to meetings of this kind exists in Ireland. What was done in this case? Why a Proclamation was issued on the Saturday subsequent to the publication of the Saturday newspapers, prohibiting the meeting which it had been announced 10 days before was to be held. Under those circumstances, how was it possible that people could be prevented from attending? That kind of thing has been done for 40 years. In the days of the Clontraf meeting, the same thing was done, and unquestionably with the deliberate intent of producing bloodshed. A meeting was proclaimed on Saturday, and messengers had to be on the road all Saturday night in order to do what they could to prevent people from attending. What I have described is the usual practice in Ireland; for no matter what notice the Executive gets of the meeting, they generally proclaim it on a Saturday morning too late for the newspapers, and consequently the people do not know of it. It is a fact, then, that even where really and truly an assembly which could not be described as a meeting has taken place, parties may be charged with having taken part in an unlawful assembly when they are seen walking about the town in which a meeting has been proclaimed; and that may be tried by the magistrates, who, probably, may have been the very persons who instructed the police to charge the people.

Mr. A. COHEN (Southwark, W.): I would remind the Committee that during the discussion on the Crimes Prevention Act my right hon. Friend the Member for Derby (Sir William Harcourt) was asked what meaning he gave to "unlawful assembly," and he said that an unlawful assembly, in point of fact, was "an inchoate riot — a meeting called together with the intention of using force. That was an ordinary question which the magistrate was bound to decide." I agree with that opinion; and I am only supporting the Amendment because I want the Government to state what they mean by the words "unlawful assembly." When a magistrate has the power of summary conviction for an offence, the offence ought to be clearly established by Statute, or ought to be so defined that it will be clearly known to the law. I submit that these words "unlawful assembly" have not a legal meaning which is perfectly clear and defined; and if Her Majesty's Government will place in the Definition Clause a definition of "unlawful assembly" similar to that contained in the Draft Code proposed by the late Sir John Holker, who was Attorney General in one of the late Conservative Governments, I, for my part, will not oppose any word in this clause. I am, however, opposed to these words "unlawful assembly," because Her Majesty's Government have not condescended to tell us distinctly what they mean by them. Every lawyer will agree with me that when "unlawful assembly" has been described as an inchoate riot by such an authority it is necessary that some limitation should be observed for the protection of those who may be in the locality. Some of Her Majesty's Judges, in connection with riots, have pronounced *dicta* which extend the meaning of "unlawful assembly." It is quite true that the hon. and learned Gentleman the Attorney General described those *dicta* as fossil *dicta* the other day; but it must be remembered that *dicta* of this kind are respected in every judicial Court and cited. But in face of these *dicta* it really cannot be said that there is a definite and clearly-ascertained meaning to be given to the words "unlawful assembly." Now, what objection can there be on the part of Her Majesty's Government to giving these words the same definition which is contained in the Draft Code that I have referred to? The right hon. Gentleman the Chief Secretary for Ireland says—"See what the consequences will be." Well, I cannot follow the right hon. Gentleman at all. He spoke about the Belfast riots. Why, if the definition given in the Draft Code had been adopted, undoubtedly those persons who took part in the Belfast riots would have been found guilty of taking part in an "unlawful assembly." If the definition I suggest were adopted by Her Majesty's Government, all persons found guilty under such circumstances would be found guilty in accordance with the definition contained in the Draft Code. If the right hon. Gentleman opposite desires to keep the law as vague and obscure as possible, in order to enable the Resident Magistrates to imprison whom they please, it is well for them not to adopt any definition; but I cannot conceive that, for a moment, to be the intention of the Government. It would be undignified, and would be discreditable to the wisdom of the Legislature, and to the ability and intelligence of the Government as statesmen. I, therefore, appeal to Her Majesty's Government to say whether it is our duty, or whether it is not our duty, to give the Resident Magistrates a clear idea of the offences with which they have to deal. If it is true that there is some obscurity as to the meaning of the words "unlawful assembly," ought we not to clear that obscurity away and give a proper definition? The only thing I ask Her Majesty's Government to do is to put in the Definition Clause some definition of those words, and then I think there can be no objection to the clause. It seems to me that it is our duty to object to these words until we know for certain that there will be some clear definition given to them. I do not know whether the right hon. Gentleman opposite adopts the definition that was given by the right hon. Gentleman the Member for Derby, when he was conducting a similar measure through this House. If the right hon. Gentleman adopts that definition, then let it be put in the Definition Clause. If he does not adopt it, then really he ought to tell us what meaning the Government attach to these words. The only object I have in view is, if possible, to take care that the offences contained in this clause are clearly defined, so that the Resident Magistrates may know over what offences they have jurisdiction, and so that innocent persons may not be kept in gaol for long periods.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The hon. and learned Gentleman who has just sat down seemed to me, during a portion of his observations, to have forgotten that the Amendment moved and supported by the right hon. Gentleman opposite is an Amendment to omit the words "unlawful assembly." Now, we decline to accede to this Amendment, because we believe that it would materially injure the clause to omit these words. What is an unlawful assembly? A great deal has been stated about words of art, but, so far as I understand words of art, they are to be found in the words "unlawful assembly." These words are to be found again and again in Statutes, and in none of these Statutes is there a definition of the words. I am asked what, then, is the meaning of them? The hon. and learned Gentleman who has just sat down has stated what was said by the right hon. Gentleman the Member for Derby (Sir William Harcourt) when a similar question was put to him in 1882. The right hon. Gentleman replied that the words meant "an inchoate riot." I think that, in a short space, we could not have a better definition than that. But the right hon. Gentleman used one word or two afterwards which did not very well harmonize with our view of the law; but, at any rate, those words which the hon. and learned Gentleman has quoted we agree with. But why did not the hon. and learned Gentleman—for he was a Member of the House at the time—get up and ask the right hon. Gentleman to define the words "unlawful assembly" in his Bill? There is no such definition in the Act of 1882. The hon. and learned Gentleman did not make that speech then, because he was at that time supporting the Government. He takes a different attitude now, because he is in opposition. The Attorney General for England may consider the adoption of some definition; but, whether he takes one view or another, the words "unlawful assembly" are perfectly intelligible to every lawyer in every Assize town in Ireland. The expression "unlawful assembly" is a term of art. It has never been suggested that every collection of people in a town is an "unlawful assembly." The hon. and learned Gentleman speaks as though "unlawful assembly" is an interchangeable term with "public meeting;" but that is not so. The right hon. Gentleman opposite says that this particular provision in the Act of 1882 was never put in force.

MR. SHAW LEFEVRE: I said no summary conviction had taken place under it.

MR. HOLMES: There were summary convictions obtained, both for riots and unlawful assemblies; but they were unlawful assemblies in the ordinary way. As I have already said, those words were a term of art. We can no more attempt to define "lawful assembly" than we can attempt to define "riot." We adopt the term in its usual sense, and in no other way. We ask the Committee to adhere to the words which appear to us to be most important to the North, the South, and, in fact, to every other part of Ireland.

MR. CHANCE (Kilkenny, S.): The right hon. and learned Gentleman the Attorney General for Ireland, of course, has to defend the Bill; and in this case, he objects to the Amendment because, as he says, the words "unlawful assembly" are a term of art, and he very wisely adds, have a definite meaning in English Law. He went on to give us the definite meaning that those words have in English Law. He told us that they meant "an inchoate riot," or a meeting called for the purpose of riot, and that he acquiesced in that opinion. He objected, then, to hon. Gentlemen on this side of the House arguing the question as "if unlawful assembly were a term interchangeable with public meeting." Now, allow me to refer the right hon. and learned Gentleman to the terms of his own Bill. Let me remind him that, under Clause 6, the Lord Lieutenant of

Ireland, if he deems it to be true that dangerous associations exist in any part of Ireland, may issue a Proclamation merely stating the fact, and putting certain clauses in force, and then under the next clause of the Bill, he is able to use proclamations to show what he considers to be an unlawful association. Having begun upon that foundation he may declare any association to be a dangerous association, and—

> "From and after the date of such order, and during the continuance thereof, every assembly or meeting of such association, or of the members of it as such members in the specified district shall be an unlawful assembly."

Now, Sir, I would draw the attention of the Committee to this fact—that the only Proclamation that will come before Parliament is a blind one, stating that, in the opinion of the Lord Lieutenant of Ireland an unlawful association exists, and under the next clause he would have perfect power, without any control being exercised by this House, to put in force the Act against every meeting of such unlawful association as an unlawful assembly. Well, Sir, in the face of that, is it possible to say that in this Act the term "unlawful assembly" means a meeting called for the purpose of riot? The very moment the Proclamation is issued by the Lord Lieutenant, and before any meetings are called, whatever meetings may in the future be held, are already declared unlawful. Is it possible to argue that the Lord Lieutenant, by some extraordinary prescience, will know a week before a meeting takes place that that meeting will be an inchoate riot? I ask, is it possible that the Committee will allow such an enormous change to be introduced into the law? Up to the present we have had a clear and distinct definition of unlawful assembly in England. You are giving very great despotic power, and, therefore, I trust the Committee will pause before they allow such a definition of unlawful assembly to pass.

Mr. CLANCY (Dublin Co., N.): I desire to correct a statement which was made by the right hon. Gentleman (Mr. Shaw Lefevre) who introduced this Amendment. The right hon. Gentleman said there were no prosecutions for political meetings under the Crimes Act of 1882. As a matter of fact, there were several prosecutions under the Act of 1882, not merely for riots, but for unlawful meetings, and it is very curious that one of the prosecutions was against two gentlemen of the Press who had gone to a meeting for the purpose of reporting the proceedings. A Resident Magistrate named Mr. Perry, a gentleman who is still in the Commission of the Peace, ordered the representatives of the Press off the ground where the meeting was to be held. They protested against the order, saying that they were present in the performance of a duty to the public, and that, in the interest of the public and of the people present, they had a right to be there. The two reporters were summoned and convicted for being present on the occasion. Curiously enough, the Presiding Magistrate on that occasion is one of the very gentlemen who will have the carrying out of the present Act. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) instanced the case of the Belfast riots; but the case of those riots do not bear out the right hon. Gentleman's argument. He intimated that unless the Belfast rioters could not have been tried on a charge of unlawful assembly, they could not have been convicted. But this section is not only to bring people guilty of unlawful assembly to justice, but it is, also, to transfer the trial of such persons from juries to Resident Magistrates. Now, in the case of the Belfast riots, it is well known—it was said by the Chief Secretary himself—that justice was obtained, for the jury convicted every one of the rioters. It seems to me that that is an argument in favour of the Amendment, and not against it. An hon. and learned Gentleman (Mr. Anderson) who spoke from these Benches a while ago, expressed a doubt as to the intentions of the Government; he said he did not believe the Government intended to give power to Resident Magistrates to ferret out everybody who might be disposed to take possession of farms from which they had been evicted, and send them to prison. If he has any doubts on the subject we have none. We know exactly what they are about to do do; we know what they want to do under this Act. They want to put down political agitation altogether in Ireland, and the readiest means of doing that is to entrust the administration of this section to tools of their own, to men who will be completely under their thumb, and who, experience has shown, are capable of being bribed, and will be bribed by special promotion for special services under this Act.

MR. MAURICE HEALY (Cork): The difficulty in this case has arisen from the use of words which bear a double meaning. The words "unlawful assembly," as I understand them, have a very different meaning in the popular mind from what they have technically or in indictments. If you once admit that a riot ought to be punished summarily, it would be absurd to exclude the offence which has been described as "inchoate riot." If the Government mean that the words must be taken in their technical sense, why do they not so express it in their Act? They say there is no necessity for a definition, and the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) has told us that no lawyers are capable of giving any meaning to the words unlawful assembly. Permit me to remind the Government that this Act will not be administered by lawyers, but by Resident Magistrates; and though it is quite right to say that no lawyer would think for a moment of regarding a public meeting as an unlawful assembly, there is the gravest danger that two Resident Magistrates, unlearned in the law, may take that unreasonable course. And allow me to say also that the definitions of unlawful assembly in the legal text books are sufficiently ambiguous to warrant Resident Magistrates taking that extraordinary course. In Roscoe's *Criminal Practice*, one of the best legal text books, I find that—

> "Any meeting whatsoever of great numbers of people as would endanger the public peace and raise fears and jealousies amongst the Queen's subjects seems properly called an unlawful assembly."

There is hardly a meeting you could hold in Ireland on any subject which two Resident Magistrates would not hold to be a meeting calculated to "raise fears and jealousies amongst the Queen's subjects." I suppose the Irish landlords are not yet excluded from the category of the Queen's subjects; and I suppose, a great number of meetings held in the course of the land agitation were eminently calculated to raise fears and jealousies amongst that class of Her Majesty's subjects. Still it would be a monstrous thing that because meetings were calculated to put terror into landlords' hearts, so far as their rack-rents were concerned, all persons taking part in those meetings should be liable to be sent to gaol for six months with hard labour. The same writer, citing the language of Mr. Justice Bailey, says—

> "All persons assembling to sow sedition and bring into contempt the Constitution is an unlawful assembly."

There have been some thousands of meetings held by Nationalists in Ireland during the past half-dozen years; and I venture to say there was not a single one out of the thousands at which language was not used which two Resident Magistrates would not consider was calculated "to sow sedition and bring into contempt the Constitution." That being so, it is really too much to expect us to believe that when this vague language is used in this Act of Parliament, there is no danger that two Resident Magistrates will not misconstrue it in the manner I have mentioned. Then the writer goes on to say—

> "If the meeting held is from its general appearances and all the surrounding circumstances, calculated to excite terror, alarm and consternation, it is criminal and unlawful."

Surely, when you have a well-known text-writer describing the offence of unlawful assembly in language so susceptible of misconstruction as that, it is really monstrous to say there is no necessity for a definition of the words. I have only another word to say, and that is in regard to the second point raised by the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre). He referred to the words "take part in." Hitherto, in order to prove the offence of unlawful assembly, it was necessary to show that the person charged took an active part in whatever was illegal in the assembly. It was not sufficient to show that a man was present; it was necessary to show that he was there concurring in whatever the illegality of the meeting was, and taking part in the illegality. Unless you clearly define the meaning of the words taking part in, there is not the slightest doubt that two Resident Magistrates in Ireland will consider that to be present is to take part in an unlawful assembly. Upon both the points raised by the right hon. Gentleman, we are entitled to hear something more from the Government.

Mr. SHAW LEFEVRE (Bradford, Central): I merely wish to say a word in explanation. When I stated a short time ago that no prosecution took place under a similar clause to this in the Act of 1882, I did so on what I believed very good authority—namely, two or three hon. Members sitting below the Gangway. The hon. Member for Dublin (Mr. Clancy) has quoted three or four cases which took place, but it seems to me they took place under another clause of the Act of 1882—namely, the clause empowering the Lord Lieutenant to suppress meetings which he believed to be dangerous to the public peace. Therefore, I might be quite right in saying that no prosecution took place under the clause of the Act of 1882 dealing with unlawful assemblies. One of the cases mentioned by the hon. Gentleman (Mr. Clancy) was certainly very significant as bearing on the other point I referred to —namely, as to the meaning of the words "taking part in." It appears that two reporters were actually prosecuted, and sent to prison for attending to take a report of the proceedings of a meeting. If that is to be taken as the meaning of the clause now under consideration—if reporters who are present for the purpose of taking a report are to be sent to prison with hard labour, I must say, to me this seems a very harsh measure. If the Government will undertake to give a definition of unlawful meeting in the terms of the statement made by the Attorney General for Ireland (Mr. Holmes), I shall be quite content, and shall not divide the Committee; but if they are not prepared to give any such definition, I think the Committee will do wisely to divide.

Question put.

The Committee *divided*:—Ayes 263 Noes 145: Majority 118.—(Div. List, No. 174.) [12.15 A.M.]

Mr. T. M. HEALY (Longford, N.): In consequence of the understanding arrived at to-day, I beg now to move that you, Sir, do report Progress, and ask leave to sit again. [*Interruption.*] I wish the right hon. Member opposite would not shake his hoary locks at me in that way. As I understand, it was arranged by all sections of the House that, in order to prevent a sitting of the House to-morrow, we should agree to-night to take those discussions which would otherwise come on to-morrow. I must say I arrived at that determination with great reluctance. If we should meet to-morrow, well and good. We should commence the discussion of those subjects on which we are interested in the afternoon, if we had an Afternoon Sitting, but we should not finish the debate, and we should have to go on with it again afterwards, because I do not see how it would be possible for us to discuss the question, which it is proposed to raise, at an Afternoon Sitting. We should have to meet again in the evening. We should be kept here until 1 or 2 o'clock in the morning, we should all lose our trains to-morrow night, and should come down here after dinner, and go on as I say until 1 or 2 o'clock in the morning. It is understood in a proposal emanating not from this, but from the other side of the House—from the Government themselves—that we shall agree to report Progress at an early hour. I may be entirely mistaken in thinking that this is an early hour (1.30 A.M.), and if so I withdraw the expression. But as I understand it, the Government gave an undertaking that at half-past 12 o'clock, the Committee should agree to report Progress. I put it to every Gentleman who has not been present during our debates to-night, whether we have not made substantial progress with the Bill. I put it to those hon. Gentlemen who have not been here to-night, and who now see the amount of work which has been got through in their absence, whether we have not made wonderful progress? They have got nearly the whole clause, or, at any rate, as far as line 36. In order to show that the remainder of the clause will take a long time to discuss, I may point out that the clause lays it down that it shall be unlawful for a person to retake possession of any house or land from which he has been ejected within 12 months' of the writ of ejectment; but in the Bill of 1882, as originally drafted, the period was only six months. Well, Mr. Gibson, now Lord Ashbourne, in 1882, moved to extend the period from six months to nine months, and he did so in the absence of the Irish Members who were suspended. Now, however, the Government propose to extend that period from nine months to 12 months. If we have to meet to-morrow, well, we must meet to-morrow. Nobody will enjoy a meeting to-morrow more than I shall myself; but it seems to me that in view of the Officers of the House, including Mr. Speaker, it is extremely desirable that we should prevent, if possible, another day's debate. In mercy to the Officers of the House I now beg to move that you, Sir, do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. T. M. Healy.*)

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I cannot agree with the hon. and learned Gentleman that there was any understanding that we should report Progress at this hour. For the private convenience of hon. Members, believing it to be the desire of the House generally, we agreed that the adjournment might take place this evening if possible, instead of to-morrow; but I intimated that I thought it only reasonable that this clause should be disposed of to-night; but I do not desire to press hon. Members to carry on subsequent discussions in any way disagreeable to them. I understood it to be their wish that we should complete the Business to-night, so as to render it unnecessary to meet to-morrow. I, however, consider it imperative that we should make some distinct progress. I think the progress we have made to-night has been sufficient to show that with a little more consideration the Committee will be able to dispose of the whole of this clause this evening. I hope the hon. and learned Member will consent to withdraw his Motion, and will allow the Committee to dispose of the very few questions that now remain to be decided.

MR. T. P. O'CONNOR (Liverpool, Scotland): I quite agree with the right hon. Gentleman that the Government has a right to demand some substantial progress to the clause this evening; but I think the right hon. Gentleman is not correct in saying, or in assuming, that the Government have not already made very substantial progress; and all I can say is that if they compare the amount of progress made to-night with the amount of progress made every other night since this Bill came into Committee, they will find that the progress to-night will bear a most favourable contrast with the progress of other nights. ["Hear, hear!"] I am glad that statement receives the assent of hon. Gentlemen opposite. Then I take it that they quite agree with me in the statement that the First Lord of the Treasury has succeeded in the purpose for which he set out this evening—namely, of making substantial progress in the clauses of this Bill. ["Oh, oh!"] I do not know whether hon. Gentleman opposite, who seem inclined to interrupt, have done us the honour to attend here during the whole of the evening. I think the large majority of them were not in their places during the dinner hour this evening. Let me point out to them—and to the Committee generally —that to-night we have got through a whole sub-section and a portion of another sub-section. [*Interruption.*] If I am met with this interruption all I can say is this, that hon. Gentlemen will find that on another occasion we shall not be willing to enter into any kind of contract. We shall insist on being listened to with patience and courtesy; or, if not, we will see if those who give an example of discourtesy and impatience can possibly get the better of us. I say we have disposed of a whole sub-section containing some of the most complicated and delicate and, as we think, most oppressive portions of this Bill. ["No, no!"] Well, I should like the First Lord of the Treasury to point to a single instance in reference not only to this Coercion Bill, but any Coercion Bill in which Parliament has ever been engaged, in which so much progress has been made in a single evening. Let me point out a mis-statement of the right hon. Gentleman opposite. He seems to think that in agreeing to an adjournment this evening, instead of to-morrow, he has been merely yielding to an appeal made from this quarter of the House. But that is not the fact. We agreed to the arrangement because we thought it convenient to the right hon. Gentleman and to his Followers and to the Committee generally. So far as we are concerned, we are quite willing that the House should not adjourn to-night, but that it should meet again to-morrow. In point of fact, I may say that in assenting to the adjournment to-night we did so at the sacrifice of what we considered our rights, and at a sacrifice, to a large extent, of our feelings; because we have a strong desire—and I suppose many sections of the House have a similarly strong desire—to discuss some other subjects besides the Coercion Bill. The right hon. Gentleman, from his view of public duties and from his view of the importance of the Coercion Bill, has brought us to such a position that no opportunity has been left to us for independent discussion, or for the discussion of any other topic whatever, no matter how small or how large it may be. Everyone who is acquainted with the House knows that the Motion for Adjournment for a vacation is always seized by Members for bringing before the attention of the Committee generally those topics which they are precluded from discussing at every other period of the Session. Well, we are anxious to take advantage of this opportunity and bring before the attention of the country—and especially before the attention of our own country—certain matters connected with the administration of the government in Ireland. I understand, also, that several Members who represent Scotch constituencies, and who have been precluded from discussing questions of great importance to those constituents, are anxious to take advantage of the Adjournment in order to bring those matters before the attention of Parliament and their country. I suppose there is scarcely a section of this House—with the exception of the Party opposite—who are not anxious to raise a subject which they regard as of importance, and which they have been precluded from debating at all previous periods of the Session. That being the feeling on this side of the House, the right hon. Gentleman would regard it as a concession from him to us, that we should have an opportunity of discussing the present measure, or, perhaps, a concession from us to him, that we should prevent the opportunity we so earnestly desire of discussing these matters which are of interest to us. The right hon. Gentleman should act in the spirit of give and take. We have surrendered to him the opportunity of discussing matters of great importance to our people—that is, of discussing them at a time when those matters can be properly discussed and brought before the notice of the public, at the same time, we ask him to give us an opportunity of taking those discussions before the small hours of the morning, when discussion really becomes farcical. I am astonished that the right hon. Gentleman should have made such a proposal as that we should give him the whole of the clause. He knows that part of the clause is Sub-section 4, and deals with the re enactment of the Whiteboy Acts. [*Cries of* "No, no!" *and* "That is to be withdrawn."] I am glad to find that the right hon. Gentleman has agreed to withdraw that part of his Bill at the Report stage; but if he looks at the 5th sub-section which he has not withdrawn, he will find that it raises some questions that we must insist upon having discussed. Under the circumstances, I must say that, seeing the concession we have made to the right hon. Gentleman this evening, and seeing the amount of progress we have made not only in what we have passed, but in the number of Divisions we have avoided, and in having foregone our right to full discussion on the matters we wish to bring forward, I think the right hon. Gentleman might very reasonably now assent to reporting Progress. There is a matter of great interest to the whole House generally—namely, the appointment of the Committee into the Army and Navy Expenditure, and that is to be discussed to-night. The composition of this Committee is a matter of great importance. [*Cries of* "Question!"] If hon. Members opposite will have patience with me, I will show that I am perfectly in Order. I am showing the importance of the Business that is awaiting discussion. I am showing the right hon. Gentleman that there are many persons deeply interested in these matters, and that they may desire to discuss them at full length. I sympathize with those hon. Members in their view, and, indeed, I desire to help them in their discussion.

Mr. T. M. HEALY: Perhaps the Government will allow me to say that I think they are somewhat under a misapprehension as to their powers of getting through the whole of this clause to-night. As I read the Rules, they cannot put the clôture on this clause, except when some Amendment has been previously carried. Now, if a Motion to report Progress is moved, I do not think the Government would be in order, in view of the ruling that has been given, to put the whole of the clause. The best way, I think, to bring matters to an issue is to go to the marrow of the powers of the Government. It is no use talking of sentiment; but let us go at once to the root of these powers. That being so, I would impress upon the Government the desirability of considering whether we could not agree to some terms to-night without further imposition of those Rules of Clôture. The Government will remember that in the Act of 1882, when this clause was under discussion, a great many hon. Gentlemen opposite were in the bosoms of their constituencies, and had not been born to Parliamentary life. At the time of which I am speaking, several nights were devoted to the discussion of this clause, which did not possess many of the objectionable trimmings which are now attached to it. If it took six or eight nights to discuss it in its naked character, how many more ought it not to take now? The Conspiracy section, we must remember, gives to Resident Magistrates the powers which hitherto have only been given to juries, and there are two or three of those powers yet remaining to be discussed. They are most important questions, and how, I ask, can they be disposed of at this late hour of the night? [*Noise and interruption.*] Unless intelligent Gentlemen opposite will abstain from making noises, it is impossible to carry on what really amounts to a legal argument. Hon. Gentlemen get excited at this hour. I do not know why it is. We do not object to what I may call—[*Cries of* "Order!"]—I am giving a reason why the Government should not press this matter to any further length to-night; but hon. Gentlemen come in to sit in this House, because it is the most pleasant part of the building to sit in, and instead of listening to what is going on, they make noises that are really intolerable. [*Cries of* "Order!"] I say, that to insist upon continuing the discussion at this late hour of the night is not fair. Hon. Gentlemen opposite do not understand what is going on. [*Cries of* "Order!"] I am not saying that in an adverse spirit, but am putting it in what I conceive to be a most reasonable way. I think right hon. Gentlemen on the Front Bench opposite could reasonably concur in the Motion for Progress on the understanding that it was not we who initiated it. It was not we who initiated the proposal to report Progress at an early period of the evening. It came, I assert, without fear of contradiction, from Her Majesty's Government, and from them alone. [*Cries of* "No!"] What occurred came through the "usual channels," and as the communications that were made were of a private nature, we are always averse to declaring them in the House. But I state the fact that the proposal that the House should adjourn to-night came from Her Majesty's Government. ["No, no!"] I am stating what I am conscious of, and of which I suppose hon. Gentlemen opposite are not. I say this proposal proceeded from Her Majesty's Government. ["No, no!"] I hope hon. Members will allow me to finish without contradiction. I say that the proposal that we should adjourn to-night, instead of to-morrow night, emanated not from this side of the House, but from that. ["No, no!"] I hope Her Majesty's Government will not press us for details; but if they do, we will state the facts, sorry though I should be to have to do so. I say that it was a communication which came from the other side of the House, from the Government Benches and from a Member of Her Majesty's Government, which induced us to assent to the proposal. [An hon. MEMBER: When?] To-day, at Question time. I will put it in this way—a proposal came from a Member of Her Majesty's Government, who is classified as "one of the usual channels," that we should agree not to take discussion to-morrow, but should allow the Adjournment to be taken to-day. We said we agreed to that, with this limitation—provided that there was an understanding that you will agree to report Progress at 11 o'clock. That was met by saying—"We cannot agree to report Progress at 11 o'clock; but we think that it would be reasonable to report Progress about 12.30." Well, we waited until 12.30 before moving to report Progress on the distinct understanding that that would prevent us from meeting to-morrow. If we are to meet to-morrow, let it be at 4 o'clock. ["No, no!"] They will not agree to anything. Let us adjourn until to-morrow, until 4 or 4.30, but do not let us meet at 2, in order to take a discussion which will be talked out at 7 o'clock, and which will necessitate our meeting again at 9 o'clock. Let us meet at 4 o'clock, and discuss the matter in a regular way. If the Government elect to go on to-night, let it not be with the idea of getting this clause passed. Let them discharge that idea from their minds altogether. They may make progress with the Amendments; but I beseech hon. Gentlemen to purge their minds from any idea of getting the whole clause to-night. I speak as an expert in this matter.

Dr. CLARK (Caithness): I wish to know if we are to adjourn to-night, or to meet to-morrow? The hon. Member for Ross-shire (Dr. McDonald) rose to bring a matter before the House the other day, when the clôture was moved, and that question we are still anxious to bring before the House. We want to have the question of the manner in which the Crofters Act is administered discussed by the House.

Mr. W. H. SMITH: It is not necessary for me to repeat the proposal which was made. The proposal to adjourn the House to-night came to me from the other side of the House.

Mr. T. M. HEALY: From whom? Mention the name.

Mr. W. H. SMITH: I say what I believe to be true. A representation was made to me, and I assented to it on the terms that I have stated in the House. Hon. Gentlemen opposite are, I believe, in the habit of accepting statements that I make in my place in this House. An hon. Member asks me if time will be allowed for discussing certain questions that he desires to raise. I say again, if it is the desire of the House to meet to-morrow, I shall make no difficulty whatever in moving the Adjournment until to-morrow. I wish to meet the wishes of the House on this matter, but I certainly feel that I am entitled to ask that the Committee should make reasonable progress to-night.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I have not the least desire to throw any doubt upon the right hon. Gentleman's account of what happened to-night; but the right hon. Gentleman must be perfectly aware that it is absolutely impossible to get this clause to-night, if on account of nothing else but the 5th sub-section. ["No, no!"] Well, if hon. Gentlemen will take the trouble to look at Sub-section 5, apart from all other matters, they will perceive that it contains much that needs very great improvement, and that it will take a very long time to discuss after we have got through the intervening Amendments. Clearly it is the feeling of the House that we should not meet to-morrow; but as we shall not meet to-morrow, I think the right hon. Gentleman will consider it reasonable that we should not adjourn for the Whitsuntide Recess without any opportunity being given to us for some of those discussions which always take place on a Motion for Adjournment. [Mr. W. H. Smith: Hear, hear!] I am glad the right hon. Gentleman agrees with that statement. That being the case, and it being impossible to take the whole clause, would it not be more reasonable now.—[*Interruption.*]—If hon. Gentlemen think they are going to get the clause to-night I can assure them that they are hoping for a physical and moral impossibility. Would it not be more reasonable, I say again, to accede to the Motion to report Progress, and have the discussion on the Motion for Adjournment, which always takes place when that Motion is made, to-night instead of to-morrow afternoon?

Mr. W. H. SMITH: I am really very sorry not to be able to accept the suggestion of the hon. Gentleman, which I am sure was intended to be conciliatory; but I think I am not unreasonable in asking that further progress should be made with this Bill. The Government intend to postpone Sub-section 4, and when we reach Sub-section 5, I do not think it will be necessary to discuss it at very great length, at any rate, to such a length that the Committee would be prevented from coming to any conclusion upon it. At all events, we have gone so far that I think we ought to make some effort on the eve of the holidays to complete at least as much of our work as will satisfy the country. [*Laughter.*] I say at least so much of our work as will satisfy the country that we are discharging our duty as legislators.

Mr. LABOUCHERE (Northampton): As I asked a Question at the commencement of the sitting of the House, and as there seems to be some difference of opinion as to the terms in which the proposal for Adjournment was made, I, perhaps, may be allowed to state what took place. Under ordinary circumstances, I should not do so, as it was a private communication; but still, after the statement of the right hon. Gentleman opposite (Mr. W. H. Smith), which is perfectly correct so far as it goes, and after the statement of the hon. and learned Member for North Longford (Mr. T. M. Healy), it is only right that the Committee should know what actually took place. I was sitting in my place this afternoon when I was asked to go out and speak to the Patronage Secretary for the Treasury. He said to me he believed there was a desire—for the sake I believe of the officials of the House—that the Adjournment should take place to-night. He ask me whether I thought Gentlemen on this side of the House would assent to it. I said that they probably had certain observations to make on the Motion for Adjournment; but that if that Motion were made at a reasonable hour, I thought it possible that they would assent. I came back and spoke to the hon. and learned Member for North Longford and the hon. Member for East Mayo (Mr. Dillon), and they suggested 11 o'clock. I said that that was rather early, under the circumstances, and I further said—"Suppose we say about 12 o'clock." I then went out and spoke to the Patronage Secretary for the Treasury, who seemed to think 12 rather early, and suggested 12.30. I said there was very little difference between us, and therefore we would say between 12 o'clock and 12.30. It was in deference to the wishes of right hon. Gentlemen on the Treasury Benches and their Supporters that I asked the question. Certainly I am bound to say—when I am challenged in this way—that the proposal did come through the ordinary channels of communication.

Question again proposed.

Mr. T. M. HEALY: A distinct statement has been made by the hon. Member for Northampton (Mr. Labouchere). This involves the good faith of the Government.

Mr. W. H. SMITH: I rise to Order. The hon. and learned Gentleman says this involves the good faith of the Government. I say it does no such thing.

Mr. T. M. HEALY: That is not a point of Order.

The CHAIRMAN: It is not a point of Order; but it is usual to allow any Member of the House to give an explanation.

Mr. W. H. SMITH: I wish to recall to the Committee the statement I made when the Question was asked of me at half-past 5 o'clock. I then stated distinctly the conditions upon which I should be prepared to move the Adjournment of the House. I do not call in question any impressions which hon. Gentlemen below the Gangway may have entertained; but I am bound by what I say in the House. I am sure it will be for the convenience of Parliament that only such engagements as are made by a Minister in the House should be the only engagements recognized and adhered to.

Mr. T. M. HEALY: I think that when a Member of the Government comes to us and says—"Will you, in the interest of the officers of the House, agree to so and so?" and we say "Yes," faith should be kept with us. We, personally, are really foregoing a great deal. We are foregoing a discussion to-morrow upon the imprisonment of Father Keller, a matter of vital importance to us; and we are also foregoing a discussion as regards Lord Ashbourne sitting in the Court of Appeal. I am very glad that the Patronage Secretary to the Treasury (Mr. Akers-Douglas) is now in his place. I have found him invariably courteous, and anxious to deal with his opponents in a most considerate manner; but I must say I knew nothing of this proposal until it was conveyed to me by my hon. Friend the Member for Northampton (Mr. Labouchere); and when it was so conveyed, I said—"We will not agree to give you the Adjournment to-night, unless you agree to move to report Progress early." It is perfectly true that the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) said—"We must see what progress is made;" but there is nothing inconsistent in that with the facts. I maintain that if the usual channels of communication are to be poisoned at their source, and you cannot rely on private communications made by the Members of one Party to the Members of another Party, you might as well give up altogether all the decencies and amenities of Parliament. [*Ironical cheers.*] I am not proud of them. I do not care a jot for them. We do not care what you do with your own. But I maintain that you must play a game according to the rules of the game. If in playing the game, you send one of your men to us with a particular proposal, and we accept it, that proposal, good or bad, ought to be respected just as you would respect a flag of truce. We shall hear from the Patronage Secretary to the Treasury (Mr. Akers-Douglas) whether we have misunderstood the message conveyed to us. Certainly, we agreed to forego a sitting to-morrow out of consideration for the Officers of the House. We thought that, by sitting a bit late to-night, we could obtain the explanation we wanted, and thus save the Officers of the House coming down to-morrow simply for the Adjournment. At the time this agreement, or disagreement, was made, there was not a single word said about getting the clause to-night.

Mr. W. H. SMITH: When I answered the Question at the commencement of the Sitting I distinctly said that was the condition.

Mr. T. M. HEALY: In the language of the Solicitor General (Sir Edward Clarke), the right hon. Gentleman's words have gone to the printer. What we understood the First Lord of the Treasury to convey was, that he hoped the clause would be passed to-night in the regular order of discussion. But surely, Sir, when we have given up the entire belly of the clause—if I may use that expression—the Intimidation Section, which took three or four nights' discussion, if it did not take a week's, in 1882, you ought to call that fair discussion. The Government have got numbers on their side, and I have no doubt we shall be ousted out of what we consider to be an honourable understanding, and the result will be, you will discuss this matter for some time. There will be no satisfaction; you will not get the clause which is the main object of the Government; you will meet to-morrow, and bring down the Speaker, his clerks, and the entire staff of 50 or 60 men; while, perhaps, the Gentlemen who are now howling us down will take the 2 o'clock train to the country.

The SECRETARY to the TREASURY (Mr. Akers-Douglas) (Kent, St. Augustine's): As a misunderstanding appears to have arisen in this matter, perhaps I may state what took place. It was represented to me that Members on both sides of the House were desirous not to come down to-morrow simply to vote for the adjournment of the House, as was the case at Easter. I stated that I could make no arrangement with any hon. Members on that point, but that any arrangement which was come to must be come to across the floor of the House. I suggested that a Question upon the point should be addressed to the First Lord of the Treasury (Mr. W. H. Smith) from the other side of the House, and I also intimated that I believed the right hon. Gentleman would be perfectly prepared to assent to any such proposal providing fair progress be made to-night with the Bill. I believe I have stated exactly what took place, and I am sorry there should have been any misunderstanding.

Mr. LABOUCHERE: I should like to ask the hon. Gentleman whether he will not bear me out in the statement that I had not made any proposal of any sort or kind to him when he beckoned me out of the House and suggested to me I should ask hon. Gentlemen behind me whether they would agree, on the terms suggested, to the Adjournment being moved to-night?

Mr. AKERS-DOUGLAS: I was not in the House when the hon. Gentleman spoke upon this subject, and, therefore, I am not quite certain what he said. It was quite correct that he did not come to me and ask me to make this arrangement. I asked him if he could bring out the Leader of the Party below the Gangway, in order that I could ascertain whether the intimation conveyed to me came directly from headquarters.

Question put.

The Committee *divided*:—Ayes 137; Noes 263: Majority 126.—(Div. List, No. 175.) [1.10 A.M.]

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I now claim to move, "That the Question, 'That the words from "within," in line 37, to the words "any part thereof," in line 39,' be now put."

Mr. T. P. O'CONNOR (Liverpool, Scotland): Mr. Courtney, I rise to a point of Order. I understand the right hon. Gentleman to move that the words—

> "Within twelve months after the execution of any writ of possession of any house or land, shall wrongfully take or hold forcible possession of such house or land or any part thereof."

What I wish to submit to you, Sir, is that this portion of the sub-section has not been discussed—[*Cries of* "Oh, oh!"]—not a single Amendment—[*Renewed cries* of "Oh, oh!"]

THE CHAIRMAN: Order, order!

MR. T. P. O'CONNOR: That no Amendment has yet been proposed to it, that no discussion has yet taken place upon it, and that, in accordance with the ruling you gave some nights ago, the closure is not to be applied until all Amendments—[*Cries of* "Order!"]

THE CHAIRMAN: Order, order!

MR. T. P. O'CONNOR: Until all Amendments which raise any point worthy of discussion have been discussed.

MR. MAURICE HEALY (Cork): I beg to ask your ruling, Sir, on a point of Order which has been raised to-night —namely, whether it is competent to put the Question that certain words of a clause stand part of the Bill until, first and foremost, the closure has been moved to a substantial Amendment?

THE CHAIRMAN: There is no point of Order raised by the hon. Gentleman the Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor). The hon. Member for Cork (Mr. Maurice Healy) has raised a point of Order. What I alluded to at the beginning of the evening was this—When a Motion is before the Committee, the closure could not be applied to a Motion to insert further words lower down until the Motion before the Committee was disposed of. That is what I laid down. There is now no Motion before the Committee; but the closure has been moved immediately after the Motion to report Progress has been disposed of, and I apprehend it is possible to move the closure at this point.

MR. MAURICE HEALY: I submit to you, Mr. Courtney, that, on the wording of the Closure Rule, it is not competent for the right hon. Gentleman to make this Motion. Allow me to refer you to the terms of the Rule—

> "After a Question has been proposed, a Member rising in his place may claim to move, 'That the Question be now put;'"

and then it goes on—

> "When the Motion 'That the Question be now put' has been carried, and the Question consequent thereon has been decided, any further Motion may be made (the assent of the Chair as aforesaid not having been withheld) which may be requisite to bring to a decision any Question already proposed from the Chair; and also if a Clause be then under consideration, a Motion may be made (the assent of the Chair as aforesaid not having been withheld) That the Question That certain words of the Clause defined in the Motion stand part of the Clause, or That the Clause stand part of, or be added to the Bill, be now put. Such Motions shall be put forthwith, and decided without Amendment or Debate."

I submit to you, Mr. Courtney, that the words "When the Motion, 'That the Question be now put' has been carried," govern the whole of the paragraph.

THE CHAIRMAN: I made my first answer under a wrong impression, created, possibly, in the confusion of the Committee. I thought that the Motion to report Progress had been clôtured. If that had been clôtured, there would be no necessity for hesitation in clôturing the present Motion. I must own, however, that closure cannot be applied to a Motion to add words until it has been applied to a previous Motion. It is not a point which raises any substantial difficulty, as it is very easy to see a way to get over it.

MR. T. M. HEALY: I beg to move that you do now leave the Chair, and I do so, Mr. Courtney, on the ground that we are confronted by a position of considerable difficulty. I submit to the Government that it is unreasonable to take the next Amendment without discussion, in view of the facts which arose in 1882. I would remind the Government of what took place in 1882. In the clause as it originally stood in the Bill the term was only six months; but when we Irish Members were all expelled from the House, Mr. Gibson—now Lord Ashbourne—moved to make it nine months. Of course, under the circumstances, no discussion was possible upon that proposal. The Government, however, now propose to make it 12 months. I would submit to them that seeing that the term was increased from six to nine months when the majority of the Irish Members were expelled from the House, it is perfectly unreasonable now to seek to make it 12. I would move that the Chairman do leave the Chair.

The CHAIRMAN: The hon. and learned Member, having moved to report Progress, cannot now move that the Chairman do leave the Chair.

Mr. T. M. HEALY: But I have made a Motion——

The CHAIRMAN called upon Dr. Kenny (Cork Co., S.).

Mr. T. M. HEALY: I say I have made a Motion——

The CHAIRMAN: And I tell the hon. and learned Gentleman that he cannot make that Motion, for he made the previous Motion that the Chairman do report Progress and ask leave to sit again.

Mr. CHANCE (Kilkenny, S.): Then, Sir, I will move that you do now leave the Chair.

Mr. W. H. SMITH: I claim to move that the Question be now put.

Question put accordingly, "That the Question be now put."

The Committee *divided*:—Ayes 259; Noes 113: Majority 146.—(Div. List, No. 176.) [1.35 A.M.]

Question, "That the Chairman do now leave the Chair," put, and *negatived.*

Mr. W. H. SMITH: I claim, Sir, to move—

"That the Question 'That the words—"(*b.*) Within twelve months after the execution of any writ of possession of any house or land shall wrongfully take or hold forcible possession of such house or land or any part thereof," stand part of the Clause,' be now put."

Question put accordingly, "That the Question be now put."

The Committee *divided*:—Ayes 253; Noes 116: Majority 137.—(Div. List, No. 177.) [1.50 A.M.]

Question put,

"That the words—'(*b.*) Within twelve months after the execution of any writ of possession of any house or land shall wrongfully take or hold forcible possession of such house or land or any part thereof,' stand part of the Clause."

The Committee *divided*:—Ayes 253; Noes 119: Majority 134.—(Div. List, No. 178.) [2.0 A.M.]

Mr. M. J. KENNY (Tyrone, Mid.): In the absence of my hon. Friend the Member for North Donegal (Mr. O'Doherty) I rise to move the Proviso of which he has given Notice. It is to the effect that, in the carrying out of this Bill, before proceedings are instituted against any person for taking possession there must have been an actual riot or an actual assault in connection with the affair. Now, Sir, it may to some appear absolutely unnecessary to insert such a Proviso. To the English, who are accustomed to see laws administered in their own way, it may appear altogether unnecessary. But, Sir, we have experience of somewhat recent date in Ireland which shows that, during the administration of the previous law, it was not deemed necessary that there should be anything in the nature of an actual breach of the peace, or anything in the nature of a riot, or anything in the nature of an assault attended by actual bodily harm, for the purpose of enabling the police to institute prosecutions under a similar section to this. Repeatedly, during the operation of the last Crimes Act, prosecutions were instituted, and convictions were obtained before special magistrates, and men were sentenced to considerable terms of imprisonment with hard labour simply for acts of ordinary trespass. Surely it is monstrous that a mere civil act of trespass, which in this country might give rise to a civil action and to a claim for damage, if any damage was done, should be made a criminal offence in Ireland because it happens to be done in Ireland. There is no reason for that, and if hon. Members who talk about equal laws and equal administration for England and Ireland would set a good example, and show their adherence to their principles by voting in favour of my Amendment, they would do something to justify people in believing that their professions are sincere. Furthermore, the Proviso goes on to state that——

The CHAIRMAN: Order, order! Before the hon. Member proceeds further, I must express the opinion that the latter part of the Proviso is not at all relevant to the clause. The hon. Member proposes a Proviso in these words—

"Provided always, That no prosecution for this offence shall be instituted by the Constabulary unless there has been an assault or rioting in the taking of such forcible possession, nor shall the Constabulary act as caretakers for any evicted house or land left without a caretaker, nor shall they specially patrol in the neighbourhood unless they apprehend some disturbance of the peace other than the mere resumption of possession, nor shall they interrogate occupiers, or in any way take side with the plaintiff or defendant in such writ of possession save to keep the peace between the parties."

The Proviso should stop at the words "forcible possession."

Mr. M. J. KENNY: The reason why my hon. Friend put down the remaining portion of his Proviso was this—that the Crimes Act came into force in 1882, and a Circular was issued to the Constabulary ordering them to patrol in the neighbourhood of evicted farms, and watch the proceedings of the tenants.

The CHAIRMAN: That would be a very good reason to discuss the question on the Constabulary Vote; but it is not relevant here.

Mr. M. J. KENNY: Well, I will discuss it on the Constabulary Vote, and I will now move the Proviso down to the word "possession." I have practically stated the reason for moving the Amendment, which is now a very short and simple one. It is simply to provide that something in the nature of a riot or assault must take place before a prosecution can be instituted under the section. It has repeatedly happened under the administration of the Whiteboy Acts that for simply walking about on their own land, for simply walking across their own land, men have been seized, prosecuted, and transported under the Whiteboy Acts. Under the last Coercion Act, they were sentenced to imprisonment for three months or six months. I think that if the Attorney General for England (Sir Richard Webster) were here, he would see his way to admit the reasonableness of this Proviso. I do not know what attitude the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) may assume. He may be so enamoured of the Criminal Law of Ireland that he will not let us make any change; but I should, at any rate, like him to explain why an offence which is merely a civil matter in England should be made a crime punishable with six months' imprisonment with hard labour in Ireland. I beg to propose the Proviso standing in the name of my hon. Friend.

Amendment proposed,

In page 2, line 39, after the word "thereof," to insert the words—"Provided always, That no prosecution for this offence shall be instituted by the Constabulary unless there has been an assault or riot in the taking of such forcible possession."—(*Mr. M. J. Kenny.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): It is not the effect of this clause, nor is it the intention of the Government, to make anything a criminal offence in Ireland which is not a criminal offence in England. The clause refers to holding forcible possession; but if the words which the hon. Gentleman has moved were inserted, they would take out of the operation of the section most of the cases in which forcible possession is taken. As a rule, there is no riot or assault in taking forcible possession. What occurs is this. Eight or ten men may come down and, in a threatening way, take possession. Of course, under such circumstances, it would be impossible for a caretaker to resist. Two men might come down armed, and naturally the unarmed caretaker would run away at once. That is taking forcible possession. Then, suppose a man went down, broke open the doors, and walked in. That is not a riot, or an assault; but, at the same time, it is taking forcible possession. All these, which are typical cases of taking forcible possession, certainly in Ireland, would be excluded from the operation of the clause by the adoption of the hon. Member's Proviso.

Mr. M. J. KENNY: What about holding possession?

Mr. HOLMES: That is precisely the same thing.

Mr. FLYNN (Cork, N.): If hon. Gentlemen opposite and some hon. Members above the Gangway on this side of the House would carefully study the clause, they would come to the conclusion that, as it at present stands, the pains and penalties which will be attached to anybody—to any evicted tenant, or to any number of tenants—are simply alarming. Take the case of a tenant who is evicted in the very depth of winter, at a time when, possibly, he has no other protection against the inclemency of the weather except the cabin from which he has been evicted. We will assume the case of this man taking "forcible possession" by getting in through the window or through the roof. Would it not be monstrous, under such circumstances, to decide that that man had taken "forcible possession?" I contend that if the Committee pass this clause without examining it very closely, and accepting a safeguard such as this Amendment would provide, they will act very harshly. I am perfectly certain the Committee would be slow to pass such a clause as this if they could trace it to its real and logical conclusion. It is all very well to be told by Gentlemen on the Treasury Bench that the law is the same in England as is proposed for Ireland under this clause. But what cases of eviction have you in England? In Ireland the chronic condition of the people alternates between eviction and the workhouse. It is very possible that, under the present condition of things, evictions will be largely increased; and you propose to put it into the power of two Resident Magistrates, who have no sympathy with the people, whose training and entire surroundings make them look upon the smallest infraction of the landlords' rights as monstrous crimes—you put it in the power of these men to treat the smallest and most trivial offences as forcible possession punishable by six months' imprisonment. If, however, you accept the Amendment of my hon. Friend, the Constabulary will not be able to institute a prosecution unless there has been an assault or riot. I appeal to the Committee not to vote on these technical definitions of legal Gentlemen on the Front Bench, but to apply their own common sense to this sub-section. If they will only do that, they will find there is nothing in this Amendment which really takes away the strength of the clause—there is nothing which will prevent the magistrate or the law punishing men who have taken forcible possession, and who have by violent means assisted the Sheriff and his officers. By the Amendment you only interpose a safeguard to prevent unfortunate people—the poorest of their class—who in many cases have been treated with exceptional cruelty and barbarity for what, after all, is a most trivial offence.

Mr. EDWARD HARRINGTON (Kerry, W.): I have personal cognizance of cases which are totally opposed to the statements of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes). I had occasion, some time ago, to mention one case in this House. It was a case in which on a certain stormy night, a man got up in the cabin in which he was sheltering himself, and when he saw the house from which he had been evicted, and which he had hoped would be his own—when he saw that house suffering from the storm, he forgot for the moment that the police caretakers were located near, went to the house, and put some stones on the roof to prevent the thatch being blown away. Now, that man was actually brought before the Resident Magistrate, under this clause, for taking forcible possession, and he was sentenced to a month's imprisonment. He actually served a month's imprisonment in Tralee Gaol. In another case, an old man named Boyd, over 72 years of age, was evicted, and after his eviction, and before the nine months' term had expired, he went to Listowel, and, on the faith of a settlement, went back to his cabin without having received in writing a formal permission to do so. The police found him in possession of his house. He was prosecuted, and sentenced to a month's imprisonment for it. The right hon. and learned Attorney General for Ireland (Mr. Holmes) talks to the Committee about bodies of armed men coming down and forcing people into possession. But no man in his senses would maintain for a moment that the case I have mentioned was a case of anything like forcible possession. I could cite cases like that by the hundred to show that there is some need for such protection as is now proposed in regard to these miserable wretches who are turned out of house and home, and to show that there is not the least necessity for visiting with the utmost severity of the law those men who merely seek their old cabins for shelter. A man who goes back into his dwelling can be summoned and fined. He can be fined every time he goes there, and every time his wife or children are found there. Surely it is sufficient punishment for those miserable creatures to be summoned and to have cumulative fines imposed upon them. The law, as it stands, is what I call coercion made easy. Surely the operation of the ordinary law is enough for the Government in such cases as these.

Mr. T. M. HEALY (Longford, N.): I had thought, Sir, that if we were to have expressions of humanity from any

Members of the Tory Party at any time, this would have been the occasion upon which we should have heard them. I should like to put in plain language to Tory Members what they are now going to vote for if they reject this Amendment. When unfortunate wretches are turned out on the roadside with their wives and children, if the inclemency of the weather renders it absolutely necessary to take shelter in their old huts, no other shelter being obtainable, the mere fact of their taking the hasp off the door and going back, if it is only to put the women back, renders them liable to severe punishment. Cases have occurred in which, for the sake of sheltering shivering women and children from the winter's snow, an old hut has been re-entered, and the police have taken up the man and sent him to gaol and to the plank bed. Is it too much to expect that, under such circumstances as these, miserable people, with no place under which to lay their heads, should have the poor protection we now seek to obtain for them? I ask you, who are comfortable in your beds at night, is it too much to ask that you should accept this Amendment? And when they go back you call it taking forcible possession. In God's name, is this a House of human beings? Are we in Ireland to be treated like dogs? If, in our poverty, we are unable to pay the miserable rents exacted of us, is the mere fact of taking the hasp off the door of the house that we have ourselves built, or that has been built by our fathers—is the mere fact of taking the hasp off the door in order to put back a shivering wife or a shivering child out of the winter's snow, to subject us to the punishment you would inflict under this clause of 12 months' hard labour? What was done by Lord Ashbourne in 1882, when we Irish Members were out of the House, was one of the most miserable things ever perpetrated in this House. When we were out, Lord Ashbourne, behind our backs, moved to make it nine months' imprisonment instead of six months'. And now what does this Tory Government do? They say they are acting in accordance with the precedent of 1882, and yet they make it 12 months. You have been reminded that you have the ordinary law to fall back upon. You can put these men in gaol for trespass. You can proceed against their children for trespass. You can take them up before the magistrates, who are the landlords of the locality, or the landlords' agents. Do have some little humanity in your hearts. I would say a word for the ordinary magistrates of Ireland. When cases come before them in which wretched men are prosecuted for putting their cold and starving women back in their cabins for a night's shelter their hearts are moved, but the Resident Magistrates commit men to prison for it. We hear the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) defending the action of the Government on the ground that men come down in crowds to put these people, by force of arms, into their dwellings. But if it is merely the case of a man taking the hasp off his own door, in order to put back his wife into his miserable, unfurnished, almost roofless cabin, for the sake of keeping her and her children from the wind and rain, where is the force of the right hon. and learned Gentleman's argument? Have you wives and children of your own? Can you feel no pity for these children? This clause does not prevent wrong being done even when a question of title is raised. A question of title may be raised, a suit may be entered, and a decision may be ultimately arrived at, as in the case of Father Keller, in which, on Saturday last, it was decided that the imprisonment was illegal. I would beseech the Committee to consider these points. Surely if they will take into consideration all the matters that we have brought under their attention they will give some play to human feeling. Can you not see that it would be sufficient to put this clause in operation where force is used to regain possession of a house and holding? It is useless to appeal to the Irish Chief Secretary (Mr. A. J. Balfour), but surely an appeal of this kind cannot be lost upon Tory Gentlemen who have a duty to their consciences and to their constituents. I have here a case that occurred in 1882. It was published in 1883, before the Act got into working order. It says that a large number of men surrounded a dwelling-house, under the impression that the tenant and his family, who had been evicted, were in the habit of visit-

Sir, I cannot use Parliamentary language to describe the statement of the right hon. and learned Gentleman. No force of any kind is required, no force is ever used, and there has not been in Ireland since 1880—I will admit that seven years ago, in the time of Mr. Forster, there were cases of taking forcible possession —since 1880 there have been no cases of taking forcible possession. I challenge the Attorney General for Ireland to put his finger upon a case of taking forcible possession for the last seven years. The Government are trading on the ignorance of the Committee, in the interest of the most contemptible class of men which ever cursed or disgraced a nation.

Mr. ANDERSON (Elgin and Nairn): Certainly, Sir, I have listened to the statement of the Attorney General for Ireland with profound astonishment. I venture to appeal to the hon. and learned Gentleman (Sir Richard Webster) sitting next to him, because I know from experience that he knows that what the Attorney General for Ireland has stated is utterly wrong. Everybody who knows anything of law in this country knows that when a question of title is raised it is a universal rule that a magistrate has no jurisdiction. The Attorney General knows perfectly well that that is the rule of this country—that the moment an ejectment or turning out is challenged the jurisdiction of a magistrate ceases. And yet, forsooth, the Government get up and say that they will not make a concession which is only in conformity with the ordinary law of this country! I suppose they do so because they are anxious upon asserting and carrying out to its bitter end this cruel section. I am astonished at the tone in which this debate is conducted by the supporters of the Government. [*Ministerial cheers.*] You have forgotten a great deal of what you heard yesterday at St. Margaret's Church. The lesson has been thrown away on the whole of you; you know it perfectly well. [*Cries of* "Oh, oh!"] Yes; I say it, and I say it because I mean it. I am perfectly satisfied that every hon. and learned Member opposite will agree with me in my statement of the law. Do not let anyone suppose I get up to state what I do not know. I say what I feel. When our proceedings become known out-of-doors, the country will feel you are forcing down this cruel section with all the cruelty you can put into it. Notwithstanding the appeals you have heard on behalf of the people of Ireland, you sit there unmoved, occasionally jeering and sneering at what is said. [*Cries of* "Order!"] The conduct of Her Majesty's Government and their supporters does them very little credit.

Mr. WEBSTER (St. Pancras, E.): I rise to a point of Order, Sir. The hon. Gentleman does nothing but talk to this side of the House, very unwarrantably, in my opinion.

Mr. ANDERSON: I do not wonder the hon. Member is impatient. He and those who sit with him are tongue-tied in this debate. They are burning, I know, to speak their true feelings—to get up and repudiate the action of their own Government. I hope the Attorney General will say something upon this Amendment, because I am satisfied the Attorney General for Ireland has not placed the matter fairly before the Committee.

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): I am sorry to say I am obliged to state, most distinctly, that there is no law in England which would apply in the sense, either directly or indirectly, indicated by the hon. Member (Mr. Anderson). I regret that I should have heard such statements made under a misconception of this section. This section provides that a person may be prosecuted before a Court of Summary Jurisdiction, if he—

> "Within twelve months after the execution of any writ of possession of any house or land shall wrongfully take or hold forcible possession of such house or land or any part thereof."

No question of title could then be raised, and no question of title which could then be raised would be any bar to any proceedings, because the question of title would have been determined under the writ of possession. There is no provision in any Statute which would allow any question of title then raised to be any bar.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I claim to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

Mr. T. P. O'CONNOR: Your conduct is disgraceful.

THE CHAIRMAN: Order, order! Unless hon. Gentlemen are able more respectfully to restrain themselves I shall be obliged to take notice of their conduct.

SIR TREVOR LAWRENCE (speaking from his seat, and with head covered): Mr. Courtney, I wish to call your attention to the fact that the hon. Member for Mid Cork (Dr. Tanner) has called me and other hon. Members "damned cowards."

THE CHAIRMAN: I heard no such expression. It is extremely awkward and inconvenient to take notice of statements which are only reported in discussion, although reported, no doubt, in perfect good faith. I hope the hon. Member, whoever he be, who is so impugned, will withdraw the statement, or disavow having made it.

SIR TREVOR LAWRENCE: It was the hon. Member for Mid Cork.

THE CHAIRMAN: The hon. Member for Mid Cork, I hope, will either disavow or withdraw the statement.

DR. TANNER (Cork Co., Mid) (speaking from the Cross Benches on the Ministerial side of the House): In the first place, Sir, I wish to say that, as usual, I have been misquoted. I distinctly used the words "damned cowards," and I applied them to the whole crowd of men on this side of the House. I said it, and I would say it again, only I would not be in Order; therefore I will withdraw it.

The Committee *divided*:—Ayes 239; Noes 108: Majority 131.—(Div. List, No. 180.) [3.20 A.M.]

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 111; Noes 240: Majority 129.—(Div. List, No. 181.) [3.30 A.M.]

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I claim now to move the Question—

"That the words 'or (*c*) shall assault, or wilfully and unlawfully resist or obstruct, any sheriff, constable, bailiff, process server, or other minister of the law, while in the execution of his duty, or shall assault him in consequence of such execution,' stand part of the Clause, be now put."

MR. DILLON (Mayo, E.): I have an Amendment of an important character on the Paper, which I desire to move. I would ask your ruling, Sir, as to whether I can move it? [*Cries of* "Order!"]

Question put accordingly, "That the Question be now put."

The Committee *divided*:—Ayes 244; Noes 109: Majority 135.—(Div. List, No. 182.) [3.45 A.M.]

Question put,

"That the words 'or (*c*) shall assault, or wilfully and unlawfully resist or obstruct, any sheriff, constable, bailiff, process server, or other minister of the law, while in the execution of his duty, or shall assault him in consequence of such execution,' stand part of the Clause."

The Committee *divided*:—Ayes 244; Noes 111: Majority 133.—(Div. List, No. 183.) [4.0 A.M.]

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I beg to move the omission of the words from "person," in line 1, page 3, to "any," in line 3, inclusive.

Amendment proposed, in page 3, line 1, to leave out from the word "person" to the word "any" in line 3, inclusive.—(*Mr. A. J. Balfour.*)

Question proposed, "That the words 'person who shall commit any offence punishable under the Whiteboy Acts as defined by this Act,' stand part of the Clause."

MR. HENRY H. FOWLER (Wolverhampton, E.): I wish now, 10 minutes past 4 o'clock in the morning, to ask the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) whether he does not think sufficient progress has been made—[*Cries of* "No, no!"]—with this Bill in the course of this evening? I have no wish to delay the progress of the Bill; but the House has been now sitting for 12 hours, and you, Sir, yourself, have been 10 hours in the Chair. That is a great strain upon the physical and mental powers of any man, not even excepting yourself. Many of us—I for one—have been engaged in and about this House since 1 o'clock yesterday; and, inasmuch as there is other Business of importance to be taken, I think we are justified in suggesting to the Government that Progress should be now reported. In reference to the particular Amendment now before the Committee, that, of course, is moved in accordance with a promise made earlier in the evening, and to it there can be no objection, especially as I understand the Government are willing to reconsider what offences under the Whiteboy Acts should be included in this clause. With reference to Sub-section 5, which is the only remaining sub-section of the clause, I think the right hon. Gentleman stated earlier in the evening that there were some Amendments worthy of discussion, and the discussion of which would take some little time. I think I may ask hon. Members to rise for a moment above the excitement and fever-heat to which they have reached. [*Ironical cheers.*] Hon. Gentlemen may jeer at that remark; but they must candidly confess that the frame of mind in which the Committee has been for some time past does not tend to a favourable and impartial consideration of Amendments. There is a fair case to ask the Government that Progress should now be reported, and that the remaining Business on the Paper should be proceeded with.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I fully recognize the extremely fair spirit in which the right hon. Gentleman has approached this question; but I think I also may claim to deal with the matter before the Committee in an equally fair and candid spirit. I am very sorry indeed it should have been necessary to keep hon. Gentlemen sitting here till so late an hour. I had hoped we might have got through the Business of the evening before this. There is an understanding that these words should be omitted; surely they should not be the occasion of any debate at all. The right hon. Gentleman thoroughly admits that. Then we come to Sub-section 5. There is a disposition on the part of the Government to meet the views of the right hon. Gentleman with regard to the Amendment he has on the Paper. That being the case, and seeing that we really have got very nearly to the end of the clause, it does seem to me we should lose time, instead of gaining it, if we reported Progress now. I think that with moderation, good temper, and good feeling, we may be able to complete our work, work which I had hoped we should have completed earlier without any undue strain upon yourself, Sir, or any officers of the House. I will take no contentious Business after this clause is reported.

MR. T. M. HEALY (Longford, N): The desire of the right hon. Gentleman to be courteous we must all admit; but I did not gather from his remarks that the Government will assent to the Motion to report Progress after the omission of Sub-section 4 is agreed to. The 5th sub-section relates to matters of great importance, and, therefore, it is not right it should be forced on at this hour.

MR. W. H. SMITH: I thought I had explained myself. It appears to me to be reasonable that we should take the clause, seeing that we are prepared to meet the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) in the Amendment he desires to move.

SIR UGHTRED KAY-SHUTTLEWORTH (Lancashire, Clitheroe): I hope the right hon. Gentleman will excuse my expressing myself very strongly on this subject. We feel that the Amendment of the hon. and learned Gentleman the late Attorney General (Sir Charles Russell) demands the consideration of the Committee, and that it is impossible at this hour (4.15)—in fact, I think it would be impossible at any hour after 12 o'clock—to do justice to such an important Amendment. The First Lord of the Treasury will remember that my hon. and learned Friend drew most especial attention to this sub-section of the clause in the speech which he made on the second reading of the Bill. This has always been felt by Members on this side of the House to be one of the most contentious points in the Bill; and, therefore, I hope he will not insist upon taking the 5th sub-section this morning. I can quite understand the right hon. Gentleman feeling it is important to get to a certain portion of the Bill at this Sitting; but, as regards the 5th sub-section, it was suggested by the right hon. Gentleman the Member for Newcastle (Mr. John Morley), earlier in the evening, that that was a point at which the Government might stop. The 5th sub-section stands in a very different category to the rest. If the right hon. Gentleman perseveres with the sub-section, I shall feel bound to utter the strongest protest in my power against such a proceeding. I trust the Government will not go beyond the Amendment the Chief Secretary for Ireland has just moved.

MR. DILLON (Mayo, E.): I have a suggestion to make which may possibly meet the views of the Government. There cannot be the slightest doubt that Sub-section 5 is not only novel in its character, but is of the most serious and wide-reaching character. To lay down the proposition that this Committee is to be called upon to pass into law such a provision as that, which will practically leave the entire Press of Ireland at the mercy of the magistrates, is most extraordinary, and unprecedented in the proceedings of this House. This clause has been urged through the Committee at a rate which we certainly consider to be most unjust and unfair to us. It has been the custom to discuss at considerable length, even after they have passed through Committee, clauses of such a complicated character as this; and the proposal I have to make is that if the Government can see their way to abandoning the 5th sub-section, we shall not offer any further opposition to the passing of the clause. This is a sub-section of a most extraordinary character, and, as has already been pointed out, there is an important Amendment to it on the Paper in the name of the late Attorney General (Sir Charles Russell), who has a claim even upon the present Government to have his Amendment discussed. Surely it is very strange the Government are in such a hurry that they will not allow the hon. and learned Gentleman to move an Amendment to which he has already stated in the House he attaches the utmost importance. I think I see a way in which the difficulty can be got over, and that is by the Government agreeing to omit the sub-section. The willingness of the Government to meet the views of the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) in the Amendment he has to the sub-section, affords us very little consolation indeed. Even with the words omitted, we should be landed in the old squabble as to the meaning of the words. The offer of the First Lord of the Treasury is quite illusory; and to enable the Government to state their views on the matter I beg to move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Dillon.*)

MR. W. H. SMITH: We really cannot agree to the Motion to report Progress now, whatever course may be forced upon us at a later period. The words to be omitted are words which the whole Committee desires to omit; and, therefore, it would be unreasonable that we should not at least make progress so far as their omission is concerned.

MR. HENRY H. FOWLER: I should like to say, in reference to the offer with regard to my Amendment, that the right hon. Gentleman overlooked the previous Amendment standing in the name of my hon. and learned Friend the Member for South Hackney (Sir Charles Russell), which is to leave out the whole sub-section. Of course, my Amendment is based on the hypothesis—perhaps a correct one—that the Committee will reject the Amendment of my hon. and learned Friend. Having regard to the position my hon. and learned Friend occupies in the House, and to the fact that on the second reading of the Bill he particularly stated that he meant to raise the whole Press question on this clause, I appeal to the Government not to proceed with the 5th sub-section to-night. I quite agree with what the right hon. Gentleman (Mr. W. H. Smith) has said with respect to not reporting Progress now. Let us omit the words in question, and then let the 5th sub-section stand over, so that my hon. and learned Friend may submit his Amendment.

MR. A. J. BALFOUR: It would be impossible for us to accept the suggestion made by the hon. Gentleman the Member for East Mayo (Mr. Dillon)—namely, that we should purchase the passing of this clause by the sacrifice of the 5th sub-section. To that sub-section we attach great importance, and we would not willingly abandon it. The right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) has adverted to the fact that this sub-section is one on which the hon. and learned Gentleman the late Attorney General (Sir Charles Russell) desires to move an Amendment. The hon. and learned Gentleman announced, in his speech on the second reading of the Bill, that the Amendment to which he attaches special importance raises the whole Press question. I regret as much as anybody that we are driven by the course which has been pursued by certain Gentlemen in this House to discuss anything, however trivial, at this hour of the morning (4.30); but we must, after all, choose the lesser of two evils. It may be better for us to choose to discuss matters at an hour when we would all be better in bed than to allow Public Business to be indefinitely and hopelessly prolonged.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I do not think the Government can properly understand the offer we make to them. We think we are making a concession in assenting to the postponement of the 5th sub-section. The Report stage undoubtedly gives the Government a great advantage, because on Report a Member is only allowed to speak once.

Mr. A. J. BALFOUR: We promised to re-commit the Bill, if there is any alteration of any importance.

Mr. T. P. O'CONNOR: I do not think there was any desire on these Benches to oppose the Motion made by the Chief Secretary before the Motion for reporting Progress was made. We are all agreed upon the desirability of omitting at once the 4th sub-section; what we now want is this—that the Chief Secretary should also postpone the 5th sub-section, especially in the absence of the hon. and learned Gentleman the Member for South Hackney (Sir Charles Russell.) If to that question we get a simple answer—and the answer can be simple—our future course of action will be decided. We cannot think the Government wish to be so unreasonable as to press this sub-section in the absence of its chief opponent. If the Government give us a satisfactory answer as regards the 5th sub-section I have just heard that the Motion to report Progress will be withdrawn.

Mr. DILLON: I gather from the few observations which fell from the First Lord of the Treasury (Mr. W. H. Smith) that he contemplates reporting Progress after the omission of these words, because he said "whatever course we may be forced to adopt." I do not understand what the position of the Government is, because the First Lord of the Treasury plainly indicated—at least, that was the impression he conveyed to me—that the Government would be willing to report Progress at some stage before the clause was taken. I am quite prepared to withdraw my Motion to report Progress if the Government will assure us that they will report Progress after the present Amendment is disposed of, and before the 5th sub-section is taken. What I object to is that the 5th sub-section should be taken without adequate discussion, and in the absence of the hon. and learned Gentleman the Member for South Hackney (Sir Charles Russell). It would be a disgrace and a shame if no discussion were allowed upon such an Amendment as the hon. and learned Gentleman has placed upon the Paper. Before I sit down I desire to protest most earnestly against the statement of the Chief Secretary for Ireland. I absolutely deny that there has been, during this night, any obstruction whatever, or even prolongation of debate, on these Benches. I do not know what opinion may exist as to the proceedings of other nights; but I completely deny that there has been any obstruction to-night, and I have, on previous occasions, seen debates drawn out to very great lengths upon subjects of infinitesimal importance compared with the clause we have been discussing to-night. I think it is a great pity that the right hon. Gentleman who is responsible for the government of Ireland, and who ought to do what he considers to be necessary in as inoffensive a manner as he can, should have used an expression which he must know he ought not to have used, and which, at all events, must inevitably make his task more difficult in Ireland. When he insults us, he will invariably find his path bestrewed with difficulties. [*Laughter.*] It is all very well to laugh, but man after man has broken down in the attempt to govern Ireland. It is no laughing matter at all, and it is a foolish thing, and an unwise thing, and a sad thing, to see an Irish Chief Secretary begin his task, which is no joke for any man, by sneering at and insulting the Irish Representatives.

Mr. T. M. HEALY: Surely the Government might honour us with a few words in reply. An hon. Friend of mine made a mistake in regard to the Irish Chief Secretary. We know upon the authority of the hon. Member for Central Leeds (Mr. Gerald Balfour) that the right hon. Gentleman (Mr. A. J. Balfour) only took the position of Irish Chief Secretary because he despises the

Irish soil—[Mr. A. J. Balfour: When was that said?] In this House to an hon. Member of this House.

Dr. TANNER (Mid Cork): Swallow it.

The CHAIRMAN: I heard the hon. Member for Mid Cork make use of a most offensive observation. I call upon him to withdraw the observation.

Dr. TANNER (sitting in his place, and raising his hat): Certainly, Sir.

The CHAIRMAN: The hon. Gentleman will rise in his place and withdraw the observation.

Dr. TANNER (rising): Certainly, if you wish it.

Mr. W. H. SMITH: I rise to Order, Sir. I ask you whether the manner in which the hon. Gentleman withdraws the observation is one which is conducive to the dignity of this House? He simply says he will withdraw it if you wish it, and expresses no regret for the use of the language.

Mr. T. M. HEALY: May I suggest to the right hon. Gentleman the First Lord of the Treasury that seeing that these are only informal matters——

The CHAIRMAN: The hon. Member for Mid Cork must express his regret.

Dr. TANNER: Certainly, Sir; I thought I had already clearly expressed my regret. If you wish it I withdraw.

The CHAIRMAN: I wish the hon. Member for Mid Cork to understand that it is a duty he owes to the Committee not only to abstain from the use of offensive observations, but to apologize for the one he has just used.

Dr. TANNER: Certainly, Sir.

Mr. T. M. HEALY: They are not so very delicate to us, when they continue in this manner. On the point at which we have arrived we are asking for a very reasonable concession——

Mr. BYRON REED (Bradford, E.): I call your attention, Sir, to the fact that the hon. Member for Mid Cork (Dr. Tanner) immediately repeated the offensive expression.

Admiral MAYNE (Pembroke and Haverfordwest): I beg to confirm the statement of the hon. Member for East Bradford.

Mr. W. REDMOND (Fermanagh, N.): I must say I was sitting immediately in front of the hon. Member for Mid Cork, and was in a position to hear what he said, and I absolutely deny the statement of the hon. Members opposite.

Mr. CONYBEARE (Cornwall, Camborne): I am in a position, Sir, to do the same.

The CHAIRMAN: I must ask the hon. Member for Mid Cork (Dr. Tanner) himself whether he avows or disavows having repeated the expression? I must ask whether he disavows having repeated the expression?

Dr. TANNER: Certainly, Sir; I rise to say——

The CHAIRMAN: I must ask the hon. Member for Mid Cork whether he disavows having repeated the observation?

Dr. TANNER: Yes, of course. There has been another mistake made by hon. Gentlemen opposite—I never said anything of the sort.

The CHAIRMAN: I would point out that in the first instance no mistake was made by any hon. Member. I heard the remark myself.

Dr. TANNER: Can I disavow what I did not say? I state that I did not repeat the expression, and, of course, I cannot disavow what I did not say.

Mr. P. STANHOPE (Wednesbury): I am in a position to state exactly what the hon. Gentleman said. He was asked by an hon. Gentleman behind him to state what was the observation which he said which was considered offensive to the Committee, and for which he expressed his apologies. He told the hon. Member quietly what the observation was, and the answer he made was immediately taken up by hon. Members opposite as being a repetition of the offensive language.

The CHAIRMAN: The matter can now come to a close.

Mr. T. M. HEALY: I am afraid that this incident shows Her Majesty's Government the undesirability—in fact the hopelessness—of pretending to conduct debate in the condition in which hon. Members find themselves. I would submit that it is unfair to ask us to debate this sub-section, which places the peace of the country at the mercy of two Executive characters at so late an hour of the morning. [*Interruption.*] Hon. Gentlemen opposite talk amongst themself in a loud tone in order that none of us may be heard, and they consider that they conduct debates in a reasonable way. I should consider that this Motion should be withdrawn, if we could get from Her Majesty's Government a statement that they do not intend to press this important sub-section to-night. I think the First Lord of the Treasury was on the point of making a concession to us when the unpleasant incident which has just terminated arose. There has been so much unpleasantness to-day that it might be desirable, after all, when you are dealing with a large Party, assisted as it is by the sympathy of other hon. Gentlemen, and when you have an Amendment on the Paper to be proposed by the late Attorney General for England, it is desirable, I say, and it is due to the position of that hon. and learned Gentleman, that you should give a little time before bringing this clause to a termination. I do appeal to the right hon. Gentleman opposite to say that after this Amendment is disposed of he would be disposed not to insist upon further progress being made with the Bill.

Mr. W. H. SMITH: I think it would be much more convenient if the Committee took the Business in the order in which it stands upon the Paper. If we disposed of the Amendment now before the Committee, it would then be fitting to consider the suggestion as to when the Amendment of the hon. and learned Gentleman the Member for South Hackney should be entered upon.

Mr. DILLON: Under those circumstances I withdraw my Motion.

Motion, by leave, *withdrawn.*

Original Question put, and *negatived;* words *struck out* accordingly.

Mr. HENRY H. FOWLER (Wolverhampton, E.): I would now repeat my appeal to the right hon. Gentleman opposite, and I put it specially on the ground of what is fair to this side of the Committee, and of what is fair to the hon. and learned Gentleman the Member for South Hackney (Sir Charles Russell). I move, Sir, that you report Progress, and ask leave to sit again.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Henry H. Fowler.*)

Mr. W. H. SMITH: I cannot say that I think the ground upon which the right hon. Gentleman makes this Motion is a sufficient one. I do not want to do anything at any time, either in Committee or in the House, which appears to be unreasonable; but, surely, the hon. and learned Member for South Hackney should have been in his place. He has not been present on the Committee, unless I am very much mistaken, during the whole evening; and if the right hon. Gentleman opposite feels that the Motion the hon. and learned Gentleman has to make is an important one, I do not know anyone who is more capable of doing justice to it than the right hon. Gentleman himself. I am sure the right hon. Gentleman's arguments in support of the Amendment of the hon. and learned Gentleman the Member for South Hackney would be as good as any which could be urged against the sub-section. It does seem to me a great misfortune that we should have now an Amendment thrown in the way of the completion of this clause. It seems to me unreasonable that a further delay should be asked for, when the Committee has fully considered the whole question, and when it is, I think, in a position to dispose of the most important question remaining on the Paper in a very short time. As I understand it, the right hon. Gentleman opposite is prepared to make the Motion himself. If he does we will accept it in that way, and meet him in a reasonable manner. He is aware that on the Report stage he can move this Amendment; but I must say it is rather hard that in a full Committee, ready and disposed to enter into the consideration of these questions —["No, no!"] Well, with the exception of hon. Gentlemen opposite—I would say in a full Committee, ready and disposed to go on with the Business, I think it is hard that we should now be prevented in finishing the clause which we very reasonably asked to be allowed to finish at an early period of the evening.

Mr. BROADHURST (Nottingham, W.): I do hope the right hon. Gentleman opposite will let his better nature prevail. I apprehend that the fact that the hon. and learned Member (Sir Charles Russell) is not present to move his Amendment may very well be accounted for by the extraordinary progress we have made this evening. [*Laughter.*] I think that is a very reasonable statement—that we have made extraordinary progress this evening. The hon. and learned Member could not have expected that we would have reached his Amendment to-night.

The offer the right hon. Gentleman opposite has made with regard to the Amendment of my hon. and learned Friend does not meet the case at all. It is the original Amendment—the omission of the sub-section—which the whole of this side of the Committee has the strongest desire to have debated ably and fully, and without reserve, and that cannot possibly be done at 5 o'clock in the morning. Sir, I would like to appeal to the Law Officers of the Crown, to the hon. and learned Attorney General and the hon. and learned Solicitor General; I would ask them to put in a plea for their learned brother on this side, that some consideration should be shown to his position, and to the important Amendment of which he has given Notice. I would call the right hon. Gentleman's attention to the scenes of the last quarter of an hour; and I would ask him whether they are not arguments entirely in favour of the Motion of my hon. Friend (Mr. Henry H. Fowler).

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): The hon. and learned Gentleman the Member for South Hackney was not here on Friday night, when he had an Amendment on the Paper. His Amendment on that occasion was moved by the hon. and learned Gentleman the Member for Dumfries (Mr. R. T. Reid). There was a previous Amendment on the Paper to-night in the name of the hon. and learned Gentleman the Member for South Hackney; but he was not here to move it. I must say there was no reason to suppose that this Amendment would not be reached to-night; and we cannot help observing that the hon. and learned Gentleman the Member for South Hackney has not been in the House during any part of the debate.

SIR UGHTRED KAY-SHUTTLEWORTH: It was never expected that the Amendment of the hon. and learned Gentleman the Member for South Hackney (Sir Charles Russell) would come on to-night. There is not the slightest desire on this (the Front Opposition) Bench to obstruct the Bill. ["Oh, oh!"] Yes; I repeat that statement. It is not reasonable to expect hon. Gentlemen to be here to move Amendments when it was not expected that so much progress would be made. But the force of our appeal lies in this — that we consider this sub-section one of the most important parts of the Bill—one that ought to be fully debated, and debated at an hour when the attention of Members can be given to it fairly, and when the attention of the public can be properly directed to the matter. It is because the sub-section is so important, and because we entertain such strong feelings with regard to it, that we do most strongly urge on Her Majesty's Government—certainly on the Leader of the House—that it would not be fair to a large section of the Members of this House if this sub-section were pressed at this hour of the morning. I think it would be impossible to take this sub-section in the present state of feeling in the House without a very lengthened space of time being devoted to its consideration. Upon this part of the Bill there arise a great number of important questions with regard to the Press, and we do once more beg hon. Members on the other side of the Committee to recognize the fairness of our appeal and the injustice that would be done to the opinions and feelings of hon. Gentlemen on this side of the House if this question were not fully debated, and debated in such a manner that the public may know what takes place.

THE CHAIRMAN: It may, perhaps, influence the conduct of Members of the Committee if I point out to them that it would not now be proper to put the Amendment which stood in the name of the hon. and learned Gentleman the Member for South Hackney. The first word "any" in Sub-section 5 has been struck out, and the words that remain to be dealt with are—

> "Person who, by words or acts, shall incite, solicit, encourage, or persuade any other person to commit any of the offences hereinbefore mentioned."

The adoption of the Amendment of the hon. and learned Member for South Hackney would not make sense. Therefore, it is impossible to deal with the hon. and learned Member's proposal.

MR. T. M. HEALY: Even supposing that the word "any" is allowed to remain, could it not be struck out on the Report stage? It so happens that in the clause we have just passed a word remains which is rather an absurdity—which will have to be struck out on Report. So can this word "any" be struck out. I would add this suggestion

—you are going to deal with the question of the Whiteboy Acts on the Report stage with any Amendments that you may consider necessary. Then I would propose that you should take this clause now, omitting Sub-section 5, as well as Sub-section 4, and put them in on the Report stage, re-committing the Bill then. That, I think, is a perfectly reasonable proposition. It would get the Committee out of the difficulty into which it appears to have got. [*Interruption.*] I am addressing myself to those in charge of the Bill. I make a suggestion that will give the Government practically everything they want. They can put those words in on the Report stage.

Mr. A. J. BALFOUR: I hope we shall not have to re-commit the Bill in regard to the Whiteboy Acts, for I am of opinion that we shall find Sub-section 4 quite sufficient. Would it not meet the views of hon. Gentlemen opposite if the Government were to give a pledge that the debate on this question on Report shall be brought on early—before dinner in the evening, at a time when, if necessary, an important debate can take place on the subject? Would not that meet the views of the right hon. Gentleman opposite and his Friends around him?

Mr. HENRY H. FOWLER: The view we take upon this matter is this—I was obliged to put it on what I may call the ordinary grounds of courtesy, which have often had considerable weight on both sides of this Table in the management of Public Business. Our appeal on those grounds has been in vain. I now put it on the ground of public principle. I contend that it is impossible for anyone to debate a question of this kind at 5 o'clock in the morning. I appeal to the oldest Member of the House of Commons to say whether he ever knew an important debate to take place at this hour of the morning. ["Yes!"] Someone says "Yes." I suppose it is some hon. Member who is here in the House for the first time, and he is ready to give us the benefit of his experience of two or three months. I know something about all-night scenes in this House. They reflect no credit on the House of Commons or Parliamentary institutions, and I, for one, am very sorry that there ever should be any necessity for such a thing. Where All-night Sittings have taken place, their object has been to arrive at the definite and formal conclusion to which the House has practically arrived many hours before. The question now before the Committee has never been raised in any one of the debates which has previously occurred, and I am quite ready to admit to the right hon. Gentleman opposite that there has been many questions that have been debated over and over again in this House. I do not deny that for a moment; but I say, as an historic fact, that the question of the operation of this Bill on the Press of Ireland has never been debated at all. I ask in that fairness which is due from a majority to a minority, and in the fairness which I am sure has always characterized the right hon. Gentleman who is now leading the House, that so grave and important a discussion as this should not be brought on at 5 o'clock in the morning.

Mr. W. H. SMITH: I think, perhaps, the best solution of the question is to adopt the suggestion of the hon. and learned Gentleman the Member for North Longford (Mr. T. M. Healy). We will strike the sub-section out of the Bill now, with the object of introducing it on Report. The Amendment of the hon. and learned Gentleman the Member for South Hackney can then be considered. I understand that hon. Gentlemen opposite will be content that the 2nd clause should be disposed of in this way.

Mr. T. M. HEALY: Will you re-commit the Bill?

Mr. W. H. SMITH: That will be the form in which we will then take it.

Mr. T. M. HEALY: Re-commit the Bill?

Mr. W. H. SMITH: The proposal is to strike this sub-section out of the Bill now, and to bring it up again on Report. That I understand is the arrangement.

Mr. HENRY H. FOWLER: With regard to this question of re-committing the Bill, I see the force of the hon. and learned Member's argument; but I would ask him to see what the position of the matter is. If the Government pursued a different course, and if we were in a majority, all that we could do would be to strike this sub-section out of the Bill. We could do nothing more, and then the Government might again propose to bring it in on Report, when we should have to discuss it again. I am bound to say that I think the offer the right hon. Gentleman has made is a fair one, and I would ask the Committee to accept it.

Motion, by leave, *withdrawn.*

Amendment proposed, to leave out Sub-section 5.

Question, "That Sub-section 5 stand part of the Clause," put, and *negatived.*

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. CHANCE (Kilkenny, S.): There are a number of Amendments on the Paper which have not been formally smothered as yet.

MR. DILLON (Mayo, E.): Before you put the clause, Sir—I do not intend to raise a discussion at this hour of the morning, but I rise for the purpose of protesting against the course which is being taken. This clause is of enormous importance; and to say that we are to pass it as we are compelled to do now, practically *sub silentio,* is most unreasonable.

Question put.

The Committee *divided* :—Ayes 235; Noes 103: Majority 132.—(Div. List, No. 184.) [5.0 A.M.]

Committee report Progress; to sit again upon *Tuesday* 7th June.

TRUSTS (SCOTLAND) ACT (1867) AMENDMENT BILL.

(*Mr. Solicitor General for Scotland, The Lord Advocate.*)

[BILL 225.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That the Committee be deferred till Monday 6th June."

MR. T. M. HEALY (Longford, N.): Perhaps the Government will say now what they propose to do in respect to the adjournment for the holidays.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): What I propose to do is to move that the House, after its sitting to-day at 2 o'clock, shall adjourn until the 6th of June. If hon. Gentlemen do not like it, I will not make that Motion; I merely wished to save hon. Gentlemen the trouble of coming down to-morrow. ["Oh!"] Then I will not make the Motion now.

Question put, and *agreed to.*

Committee *deferred* till *Monday* 6th June.

MUNICIPAL CORPORATIONS ACTS (IRELAND) AMENDMENT (No. 2) BILL.

(*Sir James Corry, Mr. Ewart, Mr. Johnston.*)

[BILL 176.] CONSIDERATION.

Order for Consideration, as amended, read.

SIR JAMES CORRY (Armagh, Mid): I have to move that the Bill, as amended, be now considered; and I wish to make a proposal to the hon. Member for West Belfast (Mr. Sexton), which I hope will obviate any delay in the passing of the Bill. It is that in the Belfast Main Drainage Bill I will move to insert a new clause to give the same power as is possessed in England under the Borough Funds Act.

MR. SEXTON (Belfast, W.): I apprehend, in the first place, that the hon. Baronet will not have the power to do what he proposes. I think it would be much more convenient if the consideration of the Bill were postponed until the 6th June.

Consideration, as amended, *deferred* till *Monday* 6th June.

MOTIONS.

——o——

MUNICIPAL REGULATION (CONSTABULARY, &c.) (BELFAST) BILL.

MOTION FOR LEAVE.

Motion made, and Question proposed,

"That leave be given to bring in a Bill to amend the Acts relating to the Royal Irish Constabulary, and to make provision for the appointment of a Watch Committee in Belfast, and for other purposes in relation thereto."—(*Colonel King-Harman.*)

MR. SEXTON (Belfast, W.): I suppose this Bill will be circulated immediately?

THE PARLIAMENTARY UNDER SECRETARY FOR IRELAND (Colonel KING-HARMAN) (Kent, Isle of Thanet): Yes.

MR. T. M. HEALY (Longford, N.): I think this Bill is opposed; but, at any rate, it is monstrous to ask leave to introduce a Bill of this kind at this time of the morning. We have Bills tinkering with the Royal Irish Constabulary every Session. We do not know what this Bill is. Why should it be brought on after 5 o'clock in the morning?

COLONEL KING-HARMAN: I did not know the hon. and learned Gentleman objected to the Bill. The 6th of June.

Motion *postponed* till *Monday* 6th June.

ADJOURNMENT OF THE HOUSE.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. W. H. Smith.*)

MR. T. M. HEALY: May I ask until what hour?

MR. W. H. SMITH: Two o'clock.

MR. T. M. HEALY: Is it not necessary to make a separate Motion?

MR. SPEAKER: It is sufficient for the right hon. Gentleman to mention the hour.

MR. DILLON: Will the right hon. Gentleman not name 3 o'clock?

Question put, and *agreed to.*

House adjourned at twenty minutes after Five o'clock, A.M.

HOUSE OF COMMONS,

Tuesday, 24th May, 1887.

The House met at Two of the clock.

MINUTES.] — PROVISIONAL ORDER BILL — *Ordered—First Reading*—Local Government (Ireland) (Killiney and Ballybrack) * [275].

PRIVATE BILLS.

Ordered, That Standing Orders 39 and 129 be suspended, and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, and for depositing duplicates of any Documents relating to any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Monday 6th June.—(*The Chairman of Ways and Means.*)

QUESTIONS.

THE MAGISTRACY — NONCONFORMIST MAGISTRATES IN FLINTSHIRE.

MR. S. SMITH (Flintshire) asked the Secretary of State for the Home Department, Whether he is aware that there are over 30 Nonconformists in Flintshire legally qualified to hold the Commission of the Peace; and why none of those are appointed, seeing that two-thirds of the population of the county are Nonconformists?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I am not aware that the facts are as suggested by the hon. Gentleman. The information I have is to the contrary effect, as I have already twice stated to the House.

BURMAH — LICENSING AND REGULATION OF IMMORALITY.

MR. ATKINSON (Boston) asked the Under Secretary of State for India, Whether it is true that arrangements are made, under the charge of high officials, in the British Service in Burmah, by which prostitution is licensed and regulated for British soldiers there?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The fullest information respecting the matters referred to by the hon. Member was laid before the House of Commons on February 28 last, in a Return moved for by the hon. Member for Shoreditch. The Secretary of State cannot accept as correct the description of the arrangements given in the Question.

HIGH COURT OF JUSTICE—APPEALS IN THE HOUSE OF LORDS.

MR. BRADLAUGH (Northampton) asked Mr. Attorney General, How many cases, which have been heard on appeal to the House of Lords, are now awaiting judgment, and the several periods in each case which have respectively elapsed since the hearing; and whether he can state the cause of the delay?

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): In reply to the hon. Member, I have to state that 11 appeals which have been heard in the House of Lords are now awaiting judgment, one of which was heard in April and two in the autumn of last year, and the remaining eight during the sittings in the present year. I am not able to speak as to the cause of the delay in delivering judgment beyond the fact that, from personal knowledge, I can state that in many of the cases very difficult questions of law arise.

BURMAH (UPPER)—THE RUBY MINES.

MR. BRADLAUGH (Northampton) asked the Under Secretary of State for India, Whether any Contract or Memorandum relating to the Burmah Ruby Mines has been signed by any person on behalf of the Government; and if so, the date of and parties to such Memorandum or Contract; whether the representatives of Mr. Streeter are the only persons connected with the jewellery trade who had been permitted by the Government to visit the Ruby Mines prior to such Memorandum or Contract; whether other persons applied for like permission and on what grounds; and, whether such permission was refused by the Government, and on what grounds?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The terms under which the Ruby Mines are to be worked are still under the consideration of the Government; but a Memorandum has been signed on behalf of the Local Authorities in Burmah, indicating the terms which they would recommend the Government of India to offer, and this document has been communicated to Messrs. Streeter. It is not official, and does not bind the Government of India. Mr. Streeter went to the Ruby Mines with the Expeditionary Force in November last, and no expenditure was incurred for his protection. Other persons subsequently applied for leave to visit the mines, and were not permitted to do so, on the ground that it would involve either risking their lives, or throwing a considerable expense on the Revenues of India in providing for their protection.

Mr. BRADLAUGH asked, whether any document had been signed by Mr. Streeter; whether the hon. and learned Gentleman could state the names of the other persons who had applied for permission; and whether there was any record in writing on the subject?

Sir JOHN GORST said, he had no information of any document having been signed by Mr. Streeter. With respect to the names of other persons, there was only one—which he had forgotten—and he had not the paper at hand.

Mr. BRADLAUGH asked whether the name was Ongar?

Sir JOHN GORST said, he believed that was the name. There were no official documents.

Mr. BRADLAUGH asked, if the hon. and learned Gentleman would try to find out whether there were other names?

Sir JOHN GORST replied, that he had no doubt that during the Recess the Government's knowledge of the Ruby Mines would be more complete, and he should be happy at a later period to answer any further Question.

Mr. BRADLAUGH said, he would put another Question after the Recess.

EMIGRATION (IRELAND) — REFUSAL OF THE AUTHORITIES AT NEW YORK TO ALLOW EMIGRANTS TO LAND.

Mr. T. P. O'CONNOR (Liverpool, Scotland) (for Mr. T. M. Healy) (Longford, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Have the Government any information as to the refusal of the American Authorities to allow 14 families, emigrated from County Mayo by Robert Vesey Stoney, esquire, J.P., D.L., of Rossturk, to be landed in New York yesterday, on the ground that they were paupers; and, will any precautions be taken to prevent landlords emigrating pauper families without making any provision for them on their arrival in America?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: As no Notice was given of the Question, I have been unable to make the necessary inquiries.

Mr. T. P. O'CONNOR said, the Question would be repeated on the 6th of June.

IRELAND—THE EXECUTIVE AND MR. PATRICK EGAN.

Mr. T. P. O'CONNOR (Liverpool, Scotland) (for Mr. T. M. Healy) (Longford, N.) asked the Parliamentary Under Secretary to the Lord Lieutenant of Ireland, Whether he has since received the letter addressed to him on 28th April by Mr. Patrick Egan; and, if so, what reply has been given?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet): Yes, Sir; such a letter, bearing date April 28, has been received by me. Mr. Egan has been informed that it is impossible to make any conditions whatever with regard to his returning to Ireland.

MOTIONS.

—o—

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (KILLINEY AND BALLYBRACK) BILL.

On Motion of Colonel King-Harman, Bill to confirm a Provisional Order of the Local Government Board for Ireland constituting the Township of Killiney and Ballybrack an Urban

Sanitary District, *ordered* to be brought in by Colonel King-Harman and Mr. Balfour.

Bill *presented*, and read the first time. [Bill 275.]

ADJOURNMENT OF THE HOUSE.

Motion made, and Question proposed, "That this House, at its rising, do adjourn till Monday the 6th day of June next."—(*Mr. W. H. Smith.*)

AGRICULTURAL LABOURERS (SCOTLAND).—OBSERVATIONS.

DR. CLARK (Caithness), who had given Notice to move—

> "That an humble Address be presented to Her Majesty, praying her Majesty to appoint a Royal Commission to inquire into the condition of shepherds, ploughmen, farm servants, cottars, and other agricultural labourers of Scotland, especially in reference to the system of service, hours of labour, housing, and the physical and moral results of the Bothy system;"

said, at the outset he would like to call attention to the decisions given on Saturday by the Crofters Commission on the cases brought before it from the estates of Lord Macdonald and Colonel Fraser, in Skye. The Commissioners gave decisions in upwards of 200 cases, 113 of which were on the estate of Lord Macdonald, and in their case the rent was reduced from £856 to £525, or about 30 per cent. These 113 tenants were £1,831 in arrear, of which two-thirds were wiped off. On the estate of Colonel Fraser, comprising seven townships, 98 decisions were given, and the rent was reduced from £769 to £444. The arrears were about £2,000, of which over £1,300 was wiped off. On Lord Macdonald's estate the 113 tenants had their rents reduced on an average from £7 10*s*. to £4 12*s*. and on Colonel Fraser's estate the 98 tenants, who before paid on an average £7 8*s*. each, now paid only £4 10s. Even if they got the land for nothing they could not live on it. He would ask, was it possible for a man to live comfortably on a farm the rent of which was, on an average, only £4 11*s*.? These decisions would do little to alleviate the condition of those poor people, or lessen the difficulties of the Crofter Question. They would certainly have £3, 10*s*. more to spend on themselves; but that would do little. Indeed, it was in view of this that in the discussions on the Crofters Act he and his Friends pointed out that what these men needed was more land. That this House and the Government had refused to give them. There was a clause in the Crofters Act permitting the Fishery Board to lend money to start the fishermen; and the Government had offered to advance money, on certain conditions, to help them to carry on their industry as fishermen. In January a Circular was issued by the Secretary for Scotland, laying down the conditions on which the men should get these loans. He would remind hon. Members that the fishermen had fallen into poverty because the herrings and other fish no longer came into the inland lochs, and the fishermen had to go out 50 or 60 miles to sea to catch them, and they required heavier and better boats for that purpose; the kelp trade was played out, and there was no labour for the people. Now, even though their rents had been reduced, and their arrears of rent reduced from £4,000 to £1,200 on Saturday last, these men were absolutely poor. They have no money and no credit, yet, before they could get the advance from the Government to help them to buy a boat and nets, they must be able to contribute from £80 to £100. Taking the average cost of a sea-going boat at £350 for boat and nets, would crofters, who were paying £4 10*s*. of rent, cottars, who were paying no rent—crofters and cottars who were in arrears and in debt to everybody who had given them credit—would they ever be able to start as fishermen if they had first to raise £80 or £100? It was said that four or five men were required to man each boat, and that they might each raise £30; but, with no furniture and no credit, they were unable to raise even that amount. The Government by their Circular were keeping the promise to the ear by the offer of money and breaking it to the hope by the conditions which were laid down. He thought the other conditions in the Circular gave the Government a sufficient security without any such condition as this advance of £80 or £100. In the first place, they had the mortgage on the boats and gear. Then, if the boat was insured, and if it was lost, the Government would get the insurance money. These poor crofters could not give them more; they could not meet the conditions imposed for a loan of money. There had been plenty of applications, but not a single penny had been lent, because none of the crofters were able to advance the money; and so long as that condition was laid down, the men of Skye and the Western Highlands would be unable to obtain loans. Unless they intended to do something for these men, they had better tell them at once they could not lend them the money, and that they had better emigrate or do something else, because the condition of things was getting worse and worse every year; and he asked, if nothing could be done for them as farmers, could not something be done for them as fishermen? He was not in favour of giving public money to special classes, but this was a most exceptional case. The people were fast sinking into poverty in the congested districts; while sportsmen owned hundreds of square miles of land for amusement. The big farms did not pay now, and the Duke of Sutherland on his estate was giving over the big farms to increase the Duke of Westminster's sporting land. The Duke of Westminster, by confiscating the property of the London people at the end of their leases, was able to pay for more land, while the unfortunate crofters could not get land nor pay for it. As to the working of the Commission, 200 decisions had been given in Sutherland and the North-East district, 213 in Skye, and probably 400 more would be given during the remainder of this month, so that they had about 800 cases decided up to the present time. But there were several thousand more applications, and others were coming in every day, and he estimated that there would be 7,000 or 8,000 cases that would have to be adjudicated on. Unless something was done, therefore, in this direction to assist the Commissioners and to meet the reasonable demands of the crofters, they would soon have a condition of things that would again call for the intervention of gunboats and marines. There were cases of hardship now pending, and unless the Government took some steps in the matter many more poor crofters, in his own county and elsewhere, would be cruelly cleared out of their holdings in the course of a very short time. He urged the Government to fully apply the clauses of the Crofters Act, which, he said, they were not doing, and advised them to grant a sum of money for the appointment of valuers and assessors in the different counties for the purpose of valuing the land and giving evidence on the point, a course which, at comparatively small expense, would obviate the great waste of time that now took place under the present course of dealing with the difficulty. Last year only £200 was voted for this purpose, and it was proposed in the present year to expend the magnificent sum of £419! That sum was totally inadequate to the work. He did not at first like the Commission, for they had not got a single representative of the Crofters on it. They had a Sheriff as its legal head, and although the Sheriff had acted so far judicially and wisely, and considered the interests of both landlords and tenants, he did not value land. Of the other two Commissioners—one was a factor and the other was a big farmer. The factor and the big farmer would do their duty and act fairly between the parties; but they must remember that the crofters did not like the factors, and that between the big farmers and the crofters there was as much love as between the Protestant boys of Belfast and the Nationalist Catholics. In his humble judgment, the only and proper way in which these thousands of cases could be considered in time would be to appoint in the different counties valuers and assessors, as was provided for under the Act, and these gentlemen could value the land and come to the Court and give evidence, and so save the Commissioners occupying so much of their time in tramping over the bogs in going to examine the crofts concerned in the many cases before them. He hoped something would be done, and this was, in his opinion, the best way to expedite the work of the Commission. He also thought the measure which had been introduced in the other House would help them. Turning to another subject, he desired to say a word in regard to the ploughmen and agricultural labourers in the North of Scotland; he would press on the Government the desirability of looking at the conditions under which they worked and lived. He learned that in Kincardineshire and other adjoining counties ploughmen's associations were being formed everywhere. Their grievance was that they were fed in the farmhouse and lodged worse than horses were stalled or dogs were kennelled. In fact, they were stalled with the horses in the lofts over the stables, and there were plenty of openings between the stable and the bothy, so that the men could see the horses, and the smell of the stable was always very prevalent in the bothy. The physical and moral degradation of such a system was very great indeed. He predicted that, under the influence of the Education Act, men would not much longer consent to pig together as they were now expected to do. As an instance of the evil of the bothy system, he would state that in Caithness-shire, where the bothy system prevailed, the rate of illegitimacy was 14 per cent of births, while in the adjoining county of Sutherland it was only 10 per cent. He attributed the extra 4 per cent in Caithness-shire to the custom of pigging young men and boys together in these bothies. He appealed to the Government not to wait until the ricks were burning before they appointed a Commission to inquire into this matter.

Mr. ANDERSON (Elgin and Nairn) said, he wished to call attention to another part of the Crofters Question, which, to his mind, was as important as that brought forward by his hon. Friend—namely, to those who had not the advantage and benefit of the Crofters Act. He would refer to the crofters in Morayshire and Nairn, where the Crofters Act did not apply, while it was in operation across the bounds of the county in Inverness-shire. In Inverness-shire the crofters who had gone before the Commission were entitled to the adjustment of their rents to a fair standard, and the reductions in those rents by the Commission amounted to 30, 40, and in some instances 50 per cent, while the crofters in the contiguous county were excluded from the operations and the benefits of the Act. This was naturally a very fruitful source of dissatisfaction to the crofters of the border.

Mr. SPEAKER: Order, order! The hon. Member is out of Order. He is now anticipating the discussion of one, if not two Bills, which are before the House, one of which proposes, if I remember aright, to extend the benefits of the Crofters Act to Highland counties adjoining the actual declared crofting counties, and the other Bill is of a similar nature. The hon. Member is clearly anticipating the discussion on both Bills.

Mr. ANDERSON said, he presumed he should be in Order in calling attention to a particular case with respect to which he got an answer from the hon. and learned Solicitor General for Scotland (Mr. J. P. B. Robertson) on Monday. The case he wished to bring under the notice of the House was that of Alexander Taylor, a crofter of Lake of Moy, Morayshire, who had been induced to sign a document under which he would have to give up his holding, and be evicted from a house built 50 years before by his ancestors, and from a farm which had been enclosed and reclaimed by himself and his ancestors, whose labour had given it its present value. That man's case was but an illustration of the condition in which those tenants stood in that part of Scotland. They were wholly and entirely at the mercy of the lairds in consequence of the present state of the law. He (Mr. Anderson) wished to ask the Government whether they intended to introduce a measure this Session to give powers to enable persons to obtain small patches of land compulsorily, which were so much wanted in the North of Scotland, and mentioned a case which had come under his notice, where a shopkeeper on being obliged to leave his premises could not get a piece of land on which to erect other premises, although the proprietor owned hundreds of thousands of acres?

PRISONS (ENGLAND AND WALES)—CONTRACTS FOR MAT MAKING.

OBSERVATIONS.

Mr. QUILTER (Suffolk, South) said, he was desirous of calling attention to certain advertisements which had appeared in the newspapers at the instance of the prison authorities offering to contract for the supply of large quantities of mats made by prison labour in the Bristol, Leeds, Cardiff, Chelmsford, and other prisons. Such contracts entered into on the part of the prison authorities were calculated to keep a great number of honest and industrious persons out of work, and were entirely opposed to the spirit of the assurances which had been frequently given by the Government that every effort should be made to reduce the amount of mat-making in prisons, which competed most unfairly with outside labour. It was one of the greatest anomalies of our system of government that a Public Department was allowed to compete in the open market with manufacturers and industrious artizans for the supply of articles which were the result of labour in our prisons, which were supported and paid for by the taxpayers of the country. In these circumstances, he asked the hon. Gentleman the Under Secretary of State for the Home Department (Mr. Stuart-Wortley) to give him assurance that these proposed contracts should not be entered into by the Prison Department until he and other hon. Members had had an opportunity of bringing the subject under the notice of the House.

SCOTLAND — ACTION OF THE CROFTER COMMISSION.

OBSERVATIONS.

Mr. WALLACE (Edinburgh, E.) said, he wished to raise his humble voice to emphasize the peculiar facts connected with the results of the recent deliverances of the Crofter Commission. He did not think these points were sufficiently appreciated, even after the speech of the hon. Member for Caithness (Dr. Clark). The reductions that had been made in rents by that Commission were even more significant than those connected with the fixing of judicial rents in Ireland. The reduction percentages were much higher in Scotland than in Ireland, reaching, as they did, to 30, 40, and even 50 per cent, which showed how great the injury was that had been inflicted upon the crofters. He did not think the meaning of the reduction of 50 per cent was sufficiently realized. Suppose there had been a reduction of 50 per cent, what did that mean? It meant an injury to the tenant much higher than an injury of 50 per cent. It represented 100 per cent. A tenant, say, was charged £100 a-year rent; it was then discovered by the Commission that the rent ought to be reduced to £50. That was a reduction of 50 per cent, so far as the landlord was concerned; but what did it mean with respect to the injury that has been all along done to the tenant? It meant that he had been all along paying £50 of unjust charge, so that he had been charged 100 per cent more than he ought to have been charged; £50 on £50 was the same as £100 on £100. [*Ministerial laughter.*] It required elementary instruction of that kind to bring the matter properly home to the minds of hon. Members opposite. He thought it ought to be impressed on the minds of hon. Members opposite that there were sufferings in connection with the tenancies in the Western Islands of Scotland that were even more deplorable, in many respects, than the sufferings of the tenants of Ireland. There were numbers of people in Scotland who had been proved by the statistics placed before them by the Crofter Commission to have been charged 100 per cent in excess of what they ought to have been paying, and in some cases even more than 120 per cent.

Mr. ESSLEMONT (Aberdeen, E.) said, that being a Scotch debate, perhaps it had been rather dull. Scotch affairs did not evoke much enthusiasm. He would not seek to retract one word which had been said on behalf of the Highlands of Scotland; but he demurred somewhat to the complaint of his hon. and learned Friend the Member for Elgin and Nairn (Mr. Anderson), who said that they had no Representative of the Scotch Department in the House. He regretted as much as the hon. and learned Member that they had not the Secretary for Scotland in that House. It was a circumstance over which they had no control; but they had in that House a very eminent Member of the Government (Mr. J. B. P. Robertson), who represented a Scotch county constituency, and whose abilities were known throughout Scotland. As this was the time for complaints, he (Mr. Esslemont) would, while he supported the complaints of his hon. Friends, make his own complaint, for the difficulties which existed in the Highlands existed equally in East Aberdeenshire. They had a fishing population there, and they had the cottagers, and the hon. and learned Solicitor General knew of the unsatisfactory condition of their houses, and of the tenure in many places on the East Coast of Scotland, and particularly in Aberdeenshire. There they had the depression of trade, and the consequent depression of fishing, and they had there all the difficulties which the fishermen had in the West of Scotland. The other day he suggested that the Fishery Board and the Scotch Department generally should make specific inquiries into the complaints which, from time to time, came before them. They should by-and-bye have to discuss the extension of the Crofters Act to the other counties of Scotland, and the hon. and learned Solicitor General for Scotland was aware that in Aberdeen they had a larger number of crofters than in any other county. What he asked was, that before that discussion came on the complaints of the fishermen in regard to the boat question, and the complaints in regard to the Land Question, should receive from the Scotch Office that attention and inquiry which he knew they deserved. They had not yet had Her Majesty's gunboat on the East Coast; but that was not because they had not suffered. But they were a courageous and long-suffering people; and he hoped the Government, while they would not pay less attention to the Highlands, would pay more to them. He should be failing in his duty if he did not point out that the complaints were by no means confined to the Highlands of Scotland—that there was suffering on the East Coast. There was much domestic legislation sorely needed. He hoped, in the meantime, the complaints would be investigated which he had had the sorrow to lodge in the Scotch Office; and he commended that inquiry to the hon. and learned Solicitor General for Scotland.

The SOLICITOR GENERAL for SCOTLAND (Mr. J. P. B. Robertson) (Bute): The observations of the hon. Member for East Aberdeenshire (Mr. Esslemont) have touched a number of social questions which affect the constituency which he so assiduously represents. I need make no general protestation on behalf of the Scotch Department that questions relating to fishermen as well as to agricultural labourers must always bulk largely with those who have the responsibility of administering the affairs of Scotland. We fortunately have Representatives in this House who are perfectly able to enforce on the Government and on Parliament the views of their constituents, and I do not think I should be far wrong in saying that, with regard to the social legislation, we should welcome any suggestions which are made to us from any quarter of the House. The hon. and learned Member for Elgin and Nairn (Mr. Anderson) has addressed the House on a variety of topics, upon which I shall not dwell for any time. He has introduced to the House two cases of individual or personal grievance, regarding one of which he has informed the House that an explanation has been given him from this Bench, the accuracy of which he is not in a position to impeach. If that explanation be well founded, as we have every reason to believe it is, that subject ought to vanish, and I hope has vanished, from occupying the time of the House. The other case is one regarding which I have no information, but if the hon. and learned Member thinks he has a substantial grievance, he has the means of calling the attention of Her Majesty's Government to it in the ordinary manner. The hon. and learned Member for Elgin has added as a supplement to these somewhat personal observations about two of his constituents a general appeal to the Government to initiate legislation enabling persons to acquire land by compulsory powers. I need hardly say that this is too large a subject to enter upon at the present time, and this would be a most improper occasion for me to enter upon it. I pass to the more important remarks of the hon. Member for Caithness (Dr. Clark), because they relate to a specific and definite subject—the administration of the Crofters Act. There is one remark with which I think the House will generally sympathize. The Crofters Act was passed little more than a year ago, and we have not yet had a year's experience of its administration to show its merits or defects. I think I may appeal to hon. Gentlemen whether all Parties ought not to give the Crofters Act fair play and fair trial; and I am bound to say that I deeply regret that on this occasion the hon. Member's sense of duty should have compelled him to make remarks disparaging to the Commission itself.

Dr. CLARK said, he was not aware that he did.

Mr. J. P. B. ROBERTSON: The hon. Member said—"We do not like the Commission," and he proceeded to give his reasons for that dislike—[Dr. R. McDonald: Hear, hear!]—and I see his observation is sympathized in by another crofter Representative. He proceeded to give his reasons for that dislike. That Commission was only appointed last year, under an Act passed in the last Session of the previous Parliament, and I venture to think that anyone interested in those parts of the country would forget something of what is due to the prospects of the population if he were to shake the confidence of his constituents in those who administer the Act. The action of the Government has been animated by motives of a totally opposite character. The present Government were not parties to the passing of the Act.

DR. CLARK said, he wished to correct a misapprehension of the hon. and learned Gentleman. He (Dr. Clark) had stated distinctly what he thought—that the learned gentleman the Sheriff at the head of the Commission had acted very impartially and judicially, and had considered the interests both of the landlords and the tenants. He eulogized the Sheriff's conduct as far as he possibly could, and he also stated that the other two Commissioners had acted in the same way. He entirely repudiated that he had disparaged these officials, but had pointed out the class to which the crofters had a prejudice. He would not personally do so.

MR. J. P. B. ROBERTSON: The hon. Member has not overstated what he said, but at the same time he did emphasize the point that he did not like the Commissioners.

DR. CLARK said, he begged the hon. and learned Gentleman's pardon, he simply spoke of the prejudice—the class dislike—and that they loved each other as the Protestant boys love the Irish Nationalists. He only spoke of the antagonism between the big farming class and the crofting class.

MR. J. P. B. ROBERTSON: I think that is not the best means of inspiring confidence in the persons whose qualifications are so characterized. I think the hon. Gentleman will find that he added, "We do not like the Commissioners." The hon. Gentleman went further, because he criticized the result of the Crofter Commission down to the present day in a way which was hardly fair. He said, in the first place, that they had an enormous number of applications, and that not much progress had been made, and that in regard to the Fishery Clauses we must regard the terms required for advances as prohibitory. Now, the clauses relating to rents and the clauses relating to fisheries constitute practically the bulk of the Bill, and if I were a friend of the successful administration of the Act, I should hardly point out that the Act was not working smoothly or successfully in its two main purposes. I have, however, a word to say in regard to each of these matters, and I do think that the dispassionate opinion of the House will discover no ground for despondency as to the work of the Crofters Act. In the first place, as regards the Land Clauses, the Commission has certainly not been able to get much more than abreast of the applications which are coming in, and for a very good reason. They have proceeded with some caution, because the powers entrusted to them were of the most novel description. They desired that they should have a sufficient number of cases to enable them to generalize and form rules and opinions as to the methods by which they should dispose of the various classes of cases which came before them, and accordingly, I think, they have acted rightly in hearing a great number of cases before deciding upon any. There is another point to be observed as to the rate of progress. The Crofter Commission began its operations in October last year. Much of the work of the Commission involves the peripatetic process of going about and examining the country, and making themselves acquainted with the circumstances of the district and even of the individual holdings. The winter days were short, and necessarily the part of the year which has elapsed since October is not the most favourable for making progress with a work of that kind. I may be allowed, on behalf of the Scotch Department, who necessarily are brought into contact with the Commission, to say that there is now good reason for hoping that once the Commissioners break ground, and see their way through the various classes of cases, they will proceed with a firmness, precision, and rapidity which they could not have done if they had decided a number of cases as they came in, and pronounced what might be called hasty decisions. The other branch of the Act which the hon. Gentleman criticized, and the working of which he did not seem to consider very satisfactory, was that regarding the fishing loans. The importance of that question the Government are quite alive to. I should like to mention, for the information of the House, that the hon. Member is not quite accurate in saying that the terms have proved to be prohibitory, because, in point of fact, there is evidence in the proceedings which took place before the Commission that the population were alive to the advantages of these clauses, and would take advantage of them. I am informed that down, not to date, but to a considerable time ago, 1,400 forms of application had been applied for from fishery towns, and 183 applications had been sent in. That does not show that in the judgment of those who are primarily concerned—whatever their political advisers may consider—these clauses are likely to be inoperative. I should add, regarding the Fishery Board, whose duty it is to superintend the working of this branch of the Act, that they necessarily proceeded with some caution. It was necessary that they should find out how many applicants there were to be, in order to see how far the limited amount of money at their disposal would go, and also to exercise great caution in finding out whether there was any ground for supposing that the security was not sufficient to cover the advance of public money, and also that the boats which are to be built would be such as would conduce to the further prosperity of the fisheries of Scotland by being efficient and good boats for a storm. There was one other point of detail to which the hon. Member referred—that in regard to the appointment of values. Under the Act it did not fall to the Government, but to the Commission, to appoint valuers, and, accordingly, it is entirely in the judgment of the Commission to say at what time they should require assistance of that kind, and when grants are required for that purpose. It is the duty of the Government not to cut in and interfere with the action of the Commissioners, but rather to expedite their operations. In this matter the Government are not at variance with the judgment of the Commissioners. I was very glad to hear the hon. Member mention, with incidental approval, a Bill which has been introduced and passed, I believe, through the House of Lords, and I was very happy to gather that those for whom the hon. Member for Caithness is spokesman approved of its provisions, and I hope we may rely on their active assistance in carrying the Bill through this House. The judgment of the Government entirely coincides with the view that that Bill is a proper complement of the legislation of last year. There is another point somewhat detached from the subject of the crofting population—the condition of ploughmen in Scotland. It would be impossible to enter into a subject of that magnitude at the present time, but I think the hon. Member who referred to this matter would leave the House under a somewhat gloomy and mistaken view of the condition of Scotland, if I were not to mention that the present system is to a very large extent being superseded and replaced in many parts of the country. The subject of dwellings for the working classes is one which of late years has excited very great attention; and more especially—to their credit should it be said—among the proprietors in Scotland, and the housing of ploughmen, as well as other classes of labourers, is, I believe, receiving very great amelioration from the exertions of those to whom I refer. I think I have touched upon all the questions mentioned by the hon. Members in this discussion.

Dr. R. McDONALD (Ross and Cromarty) said, he had the misfortune not to be in the House during the whole discussion. The question as to the fishing boats was of great importance. He had no reason to complain of the tone of the remarks of the hon. and learned Solicitor General for Scotland (Mr. J. P. B. Robertson), and he assured the hon. and learned Gentleman that the terms on which loans were granted for building boats were not satisfactory. He had received scores of letters from fishermen in the North complaining of the terms offered by the Government with regard to the purchase of fishing boats, and stating they were perfectly useless, as it was impossible for the fishermen on the West Coast to collect the money to pay for them. £350 had been mentioned as the sum required for a fishing boat; but, from information which he had received, he thought that the sum was too low an estimate, and would not be sufficient to buy a boat and gear. He thought that the Fishery Board had no right to ask such onerous terms, as they insisted on the boats being insured to their full value—thus giving them full and ample security if anything should happen to the boats — and they were thus secure of their money. With regard to depreciation, it must be remembered that one-eighth of the money was paid year by year. On the whole, therefore, he thought that the Fishery Board were driving too hard a bargain with these people. As the hon. and learned Solicitor General had stated that the Government would welcome any suggestion, he (Dr. McDonald) would recommend that they should offer the boats to the fishermen for a very small sum paid down, and so enable them to prosper. He freely told the hon. and learned Solicitor General that he did not like the Commission. The crofter Members were not allowed to have any say in the matter, for the Government did not give them on the Commission one man in whom the crofters had confidence. That the Commission had, however, done better than he expected, he freely admitted; but it was doing its work very slowly, and it was time that the Government brought pressure to bear on the Commission to appoint valuers so that their work might be facilitated. A great deal of the work was done by gentlemen who got £800 a-year, which could well be done by paid valuers, who could be got for £200 a-year.

THE MAGISTRACY (ENGLAND AND WALES)—APPOINTMENT OF MAGISTRATES IN FLINTSHIRE.

OBSERVATIONS.

MR. SAMUEL SMITH (Flintshire) said, that he desired to call attention to a subject of much interest to his constituents—namely, the constitution of the magistracy in Flintshire. The question had been brought before the notice of the right hon. Gentleman the Secretary of State for the Home Department (Mr. Matthews) by means of Questions by hon. Gentlemen below the Gangway. He had not himself taken part in these Questions until that day, being in hopes that the grievance would be removed. But his hopes were now very faint, and he thought it was his duty to impress upon the House the great injustice under which the Nonconformists of Flintshire laboured. It ought to be known that in this county two-thirds of the population were Protestant Nonconformists. The magistracy of Flintshire numbered between 80 and 100 gentlemen. He believed there was not a single Nonconformist on the Bench in Flintshire. This caused, as it seemed to him, very grievous injustice. The appointments in Flintshire had been made, he might say, almost entirely in the interests of the Conservative Party. Most of the magistrates in Flintshire belonged to that Party. There were a few Liberals, mostly Churchmen, and one or two Catholics; but so far as he knew, there was not a single magistrate sitting on the Bench in Flintshire who belonged to the religious denomination of the great mass of the constituency. This state of things was one which, at this age of the world, was perfectly intolerable. They had hoped that by means of friendly private negotiations they might get over this difficulty; but they had come to the conclusion that there was nothing for them to do but to lay the matter before the public and the House of Commons, until at last the mere sense of shame, if nothing else, would lead to justice being done. He had asked the right hon. Gentleman the Home Secretary whether there were about 30 gentlemen in Flintshire who possessed the requisite qualification, and the right hon. Gentleman had informed him that this was not the case. Now, he (Mr. Samuel Smith) had taken much pains to ascertain how many Protestant Nonconformists of Flintshire possessed the legal qualifications, and he was quite within the mark when he said there were 30 such men that could be easily found. He might be told that some of these gentlemen did not possess the social qualifications. He admitted that some of them did not hold the highest position in society; but there were, no doubt, a fair number who possessed both the educational and social as well as the legal qualifications. If the appointments were made by the Lord Lieutenant, looking at this matter with fair and unprejudiced eyes, there could not be any difficulty in discovering several highly estimable persons who might be put upon the Bench with great satisfaction to the mass of the population of Flintshire. Again, the bulk of the people were Welsh speaking, while the present magistrates, almost without exception, were English speaking, and were totally unacquainted with anything of the Welsh language. Interpreters—often men of a very incompetent kind—were employed, and he believed that in consequence there were cases decided in which the magistrates were improperly informed as to the facts, and injustice was done. There ought to be an adequate representation on the Bench of the Protestant Nonconformists, and especially of those who were able to speak the Welsh language. The existing state of things was producing want of sympathy between the people of Flintshire and the adminstration of the law. He wished to see the law strengthened, and it could be so only in so far as it was based on the confidence and affections of the people; but those who were responsible in this matter in that part of Wales were doing their best to bring about a breach between the people and the administration of the law. The system of excluding the great mass of the community from their proper share in the administration of justice was not truly conservative, or conducive to the real interests of the country. He hoped that the Government would, in some way or other, put pressure on the Lord Lieutenant, the Queen's Representative in Flintshire, in order to see that this glaring injustice was remedied. If it was not remedied, he believed there would be never-ceasing agitation, increasing disaffection, and want of confidence in the administration of the law. He did not wish to see in Wales a repetition of the scenes that had taken place in some parts of Ireland; but this system of excluding representatives of the great mass of the people from the administration of justice was certain to bring it about. His only object in bringing that question forward was to promote good feeling among all classes of the community, and to remove all just ground of complaint.

Mr. OSBORNE MORGAN (Denbighshire, E.) said, the people of Wales must be exceedingly grateful, and he (Mr. Osborne Morgan) begged to express his thanks to his hon. Friend for bringing that matter forward, because such a state of things as now existed in Flintshire did not exist in any other county of England or Wales. Although the great majority of its inhabitants were Nonconformists, yet there was not a single Nonconformist magistrate on the Bench. Question after Question had been put to his hon. Friend the Under Secretary of State to the Home Department (Mr. Stuart-Wortley), and he was bound to say that the answers of the Under Secretary upon the question had been most unsatisfactory. His hon. Friend had pointed out that there were 30 Nonconformist gentlemen in Flintshire who possessed the necessary qualification for appointment to the magistracy. The hon. Member for the county of Flint (Mr. Samuel Smith), and also the hon. Member for the Borough of Flint (Mr. John Roberts), themselves possessed the necessary qualifications for the magistracy, and both of them, he believed, acted as magistrates in neighbouring counties, but yet the Lord Lieutenant of Flintshire had not thought fit to put either of them or any other Nonconformist on the Bench. Was that the result of accident? The Welsh people had hitherto been among the most loyal and law-abiding subjects of the Queen; but he doubted whether there was not a strong spirit of discontent and disaffection springing up in many parts of Wales, and he was bound to say that Lords Lieutenant who acted in the way which the Lord Lieutenant for Flintshire did were greatly responsible for that state of things.

LAW AND JUSTICE (IRELAND)—THE BARBAVILLA PRISONERS.

OBSERVATIONS.

Mr. TUITE (Westmeath, N.) said, he wished to call the attention of the House to the condition of the prisoners who were convicted in this case, and to ask the Government to grant an impartial inquiry in their case, as had been given in the case of the prisoners Hebron and Brian Kilmartin. Mr. Justice Day had been sent to investigate the Belfast riots, and he urged that some impartial Judge should be sent to investigate the circumstances of this case. If he were not clearly convinced that the men now suffering penal servitude were completely innocent he would not trouble the House for one moment on the subject. All the Government were asked to do was to give an impartial inquiry into the case of these prisoners, such as was given into the case of Hebron, Ryan, and Kilmartin, and if that were done evidence would be produced to show the innocence of the men, and to show the perjured character of the testimony on which they had been convicted. Constable Fitzgerald was ready to substantiate the statement which he had already made that the informers in the case had between them concocted the evidence on which a packed jury in Green Street had convicted the prisoners. He again appealed to the Government not to be so steadfast in refusing the impartial inquiry he asked for, and for which he would continue to ask so long as he was a Member of the House. He was sorry that the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) had not thought fit to make it convenient to be present in the House; for he (Mr. Tuite) wished to call attention to the National Teachers' Bill. The Government had promised from time to time to deal with the position of those teachers, and successive Chief Secretaries had been interviewed on the subject. The reply given in each case had been to the effect that the position of the teachers would be immediately considered by the Government. The result up to the present had been that the teachers had received many promises, but nothing in the shape of substantial improvement in their position. Comparing the inferior position of the Irish teachers with that of the English and Scotch teachers, he said that all they wanted was to have the Irish teachers placed on the same footing as their brethren in England and Scotland. He asked, seeing that no facilities had been offered by the Government for the discussion of the Bill, whether they would give a promise that before the Session closed the case of the Irish teachers would be considered.

The UNDER SECRETARY of STATE for the HOME DEPARTMENT (Mr. Stuart-Wortley) (Sheffield, Hallam) said, he wished to interpose in the debate in order to answer the question raised by the hon. Member for South Suffolk (Mr. Quilter) as to the tenders for contracts of prison labour. The subject had been brought to his notice so late before coming down to the House that he had practically no opportunity of learning more than that the tenders had been invited. In the circumstances, he must not be taken to admit that in the contracts to be made there was any departure contemplated from pledges given to the House, or that there was any intention to increase to any extent the amount of mat-making labour done in the prisons. There had been a great decrease in the last nine years in the amount of mat-making labour. In the convict prisons mat-making had disappeared altogether, and in the local prisons the daily average number of prisoners employed on it had diminished in this period from close upon 3,000 to 1,681. He hoped that this fact indicated what the policy of the Department was. He assured the hon. Member that he would take care that no action was taken in respect of those tenders until after the first two days after the House had met again, and until there had thus been an opportunity of raising the subject in the form of a Question in the House or on the Estimates. In reference to the question raised by the hon. Member for Flintshire (Mr. S. Smith) and the right hon. Member for East Denbighshire (Mr. Osborne Morgan) as to the insufficient representation of the Nonconformist party on the magisterial Bench——

Mr. OSBORNE MORGAN: No representation at all.

Mr. STUART-WORTLEY: Well, an inadequate representation.

Mr. SAMUEL SMITH: None at all.

Mr. STUART-WORTLEY: Well, in saying that there was no representation at all it seemed to be assumed that there was a right to some representation. The mere fact that a man belonged to a particular religious denomination did not constitute a right or qualification for the Bench. Moreover, the law did not give the appointments to the House nor to the political departments of the Executive Government. The information they had received from the Lord Lieutenant, upon whom the responsibility rested, was to the effect that he was unable to find gentlemen possessing the necessary qualification to sit on the Bench. When he said qualification he understood him to mean not merely qualification by estate, but to include also qualifications with regard to social position, and in the matter of legal learning. He thought it was a wise arrangement which kept the appointment of magistrates a thing apart from the duties of the Administration; but even if it were advisable to alter the law, there were measures on the subject before the House which made discussion on such a subject at present out of Order. He did not see what the Government could do in the matter. If it was possible to put pressure on the

Lord Lieutenant in the direction indicated, an opportunity had presented itself during the five years hon. Gentlemen opposite were in the enjoyment of power. It was surprising that they had made so little use of their opportunities in the matter complained of. The matter did not come within the province of the Department which he represented. The main facts on which the hon. Member rested his case were really disputed by those who were equally well able to judge of the question with himself. He (Mr. Stuart-Wortley) must protest against the idea that anything improper had been done, and deny that the matter was within the province of the Department to which he belonged.

THE VACCINATION ACT—ACTION OF THE COMPULSORY LAW OF VACCINATION.—OBSERVATIONS.

Mr. PICTON (Leicester) said, that he wished to bring before the President of the Local Government Board and the Government generally a subject which was one of increasing importance—that was the growing friction which attended the working of the Vaccination Acts. He wanted to urge some reasons why the Government should give attention to the question and look into it under the new aspect which it wore now. Within a very few years there had been thousands of prosecutions under that Act, a great number of conscientious men had been imprisoned, and the goods of many honest and industrious men had been distrained. It should not be forgotten that the people who suffered under what they called persecution were, in almost all cases, men and women of good character, of industry, and of thrift, and of intelligence enough to form an opinion for themselves, and of firmness to stick to it. He thought such people were deserving of a good deal of consideration. They had, at any rate, experience to go by. A large number of them had seen their own children suffer from vaccination. [" Oh, oh ! "] At all events, they had seen them suffer in a manner which they traced to the effects of the operation. They were fortified in this view by the opinions of a good many medical men, who not only did not deny, but urged that vaccination was frequently attended with considerable danger. The Government should not look on quietly and see prosecutions increasing by leaps and bounds, and also see the amount of suffering entailed, without trying to find out whether anything could be done to lessen the strain of the law. He had asked a Question the previous day with respect to a case of special hardship which had happened on the borders of his own constituency. He referred to the case of a Mr. King, who, in consequence of what had happened in his own family, had declined to have one of his own children vaccinated. A fine was inflicted. The child died on the 9th May last year; but it was not until the May of this year that the fine was enforced by distraint. The mode of carrying out the law had inspired such a bitter feeling in Leicester, that a sale of King's goods could not be carried out, and it was not surprising that some disorder arose. Besides that, it was said that the provisions of the law were not fully complied with, especially with regard to the time of selling the goods.

Mr. SPEAKER said, that he was sorry to interrupt the hon. Gentleman, but he must remind him that he was now speaking on a subject—the compulsory vaccination laws—in regard to which he had given Notice of a Motion on a future day.

Mr. PICTON said, that he begged pardon if he had transgressed the Rules of the House. He did not then desire to discuss the operation or the merits of the laws of compulsory vaccination. He was only asking that the Government should direct their attention to the increasing friction caused by the enforcement of the law of compulsory vaccination. The difficulty of enforcing the law was now rapidly increasing, and he trusted that the Government would not allow it to escape their attention, but would, if possible, take measures to terminate the existing state of things.

The PRESIDENT of the LOCAL GOVERNMENT BOARD (Mr. Ritchie) (Tower Hamlets, St. George's) said, that after the Speaker's ruling the House would not expect him to enter at any length into the subject which the hon. Member had brought under the notice of the House. The object of the hon. Member had his sympathy, and he regretted that such action as the hon. Member referred to had to be taken for the purpose of seeing that the law was carried out. There were, no doubt, a considerable number of persons who had conscientious objections to their children being vaccinated, but many of the prosecutions arose, not on account of persons conscientiously refusing to comply with the law, but because certain associations urged people not to comply with the law. The Local Government Board had a duty to perform, and were bound to see that the Vaccination Acts were carried out, but at the same time they were desirous that this should be done without undue harshness. He could not say that there was any intention on the part of the Government to institute any general inquiry into the matter. He gave his personal attention to every case brought before him, and he always took care to see that the law was not unduly strained. More than that he could not say.

Mr. SWETENHAM (Carnarvon, &c.) had wished to say something at an earlier moment on the subject of justice in Flintshire, as he did not wish what had been already said by a right hon. and hon. Gentleman on the other side to pass unchallenged. No one had had a greater opportunity for the last 35 years than he had to see the way in which justice in that county was administered. He had the honour of knowing very well the Lord Lieutenant of Flintshire; and of seeing the extremely conscientious manner in which he made his appointments, and he ventured to think that there could be no greater justification of the conduct of the Lord Lieutenant than the remarks which fell from the hon. Gentleman the Member for Flintshire. The nature of the hon. Gentleman's complaint was that Nonconformists ought to be appointed, and in fact, that inquiries ought to be made into their political views. Now, that was the very thing which the Lord Lieutenant of Flintshire refused to do. The Lord Lieutenant said that a Lord Lieutenant, in order to win the admiration and the confidence of the country, ought not to look any way either to religion or politics, and he refused to do so. What he did look to, and rightly in his (Mr. Swetenham's) opinion, was that the gentleman he wished to appoint to the County Bench was both socially, educationally, and financially a desirable person. Therefore, he ventured to think that if the hon. Member for Flintshire had had as much experience as he had had, and the same opportunities of seeing the way justice was administered in Flintshire, he would have spared the House the remark which fell from him to-day—a remark which was calculated to bring justice into disrepute in the county. He thought it quite right to make these observations, and he should not have troubled the House with them if he had not thought it was absolutely necessary that someone knowing the facts of the case should rise in his place and say that which he knew, and be able to refute the arguments used. There was only one other observation he had to make. It had been said that there were no less than 30 gentlemen fully qualified for taking their seat on the Flintshire Bench. No one knew the facts better than he, and he ventured to say there were not anything like that number who were fit and qualified to take that important position. It was said that the hon. Member himself was not a magistrate. He (Mr. Swetenham) did not think the hon. Gentleman resided in Flintshire, but he was quite certain if he did reside there, and if he expressed the smallest wish to become a magistrate, and that wish was conveyed to the Lord Lieutenant, that officer would instantly recommend him for the position.

Colonel NOLAN (Galway, N.) said, that the speech of the Member for Caithness (Dr. Clark) had raised several questions which were of interest in the West of Ireland. The hon. Member had referred to the want of the crofters for more land. This was also the case of tenants in the West of Ireland. Whatever the rent might be, the smaller tenants in the West of Ireland could not support themselves and families in decent comfort on their small holdings. Fortunately, with the exception of the coast, all over the West of Ireland there was an ample supply of grass land in each district which could be taken at a valuation and given to increase the holding of the small farmers. As a general rule proprietors would be extremely glad to sell the grass lands at a fair value, and the result would do more good than could be accomplished by any amount of legislation. There would be some objection on the part of the larger grass farmers, but that was a comparatively small difficulty. He should like to see an Amendment of the Purchase Clauses of the Land Act so as to enable the tenants to buy the land adjoining their holdings. This could easily be done if the

Government were willing to advance the money at a reasonably low rate of interest. He would impress upon the Government the necessity of giving their most careful attention to this matter.

MR. JOHN O'CONNOR (Tipperary, S.) said, he wished once more to call the attention of the House to the grievances of the National School teachers of Ireland, a class that had been living on promises for many years. He wanted to know what the Chief Secretary had done towards satisfying the just demands of the teachers. So far as he (Mr. John O'Connor) could gather, he believed that although successive Chief Secretaries had admitted the grievances and promised to remedy them, nothing whatever had been done up to the present in fulfilment of those promises.

HIGH COURT OF JUSTICE (IRELAND)—THE COURT OF APPEAL—THE LORD CHANCELLOR OF IRELAND.

OBSERVATIONS.

MR. T. M. HEALY (Longford, N.) said, he quite sympathized with the claims of the National teachers, as put forward by his hon. Friends; but what he now rose for was to call the attention of the House to the difference in the constitution of the Court of Appeal in Ireland and in England. In England he understood the practice to be that a Lord Chancellor never sat in the Court of Appeal except to hear some interlocutory matter, or unless a Judge happened to be sick or absent from any cause whatever. So far as he could gather from the Judiciary Act, the constitution of the English and Irish Courts of Appeal were of a similar character. In England practically no political question came before the Court. At any rate, it was extremely rare for anything of a Party nature to come before the Court, and yet the English Lord Chancellor never sat in the Court of Appeal. If the English Lord Chancellor, who was always a political official and a Member of the Cabinet, was so scrupulous as to avoid the duties of the English Court of Appeal, what should be the feeling of the Irish Lord Chancellor in the matter, considering that they not only had political cases but agrarian cases—cases between landlord and tenant—coming before the Court of Appeal in Ireland Never within the present generation at least was an Irish Lord Chancellor, before the present one, an active politician and a Member of the Cabinet. Lord Ashbourne fought the case of the landlords during the debates on the Land Act of 1881 in that House with an ability that no one who witnessed the fight could mistake, and he saved millions of money to the landlords by his resistance to reform and changes in the Bill. He (Mr. T. M. Healy) did not object to Mr. Gibson's well-deserved promotion as Lord Ashbourne to the House of Lords and to a seat in the Cabinet; but, he asked, was it just or fair that Lord Ashbourne, after taking an active part in opposing the Land Act, should sit in the Court of Appeal and decide questions arising under that Act? Lord Ashbourne showed a proper sense of the incongruity of his position as a politician and a Judge in the registration appeals in 1885 when he declined to sit in the Court of Appeal, and why he did not act in a similar manner in regard to other cases in which Party feeling also rose was very strange. Take the case of Father Keller. Everybody knew that the arrest of Father Keller was dictated by political bias. The Official Assignee was forced by order to go on with the proceedings against him. A question arose upon *habeas corpus* as to whether the warrant of arrest was valid or not. That case agitated the entire population of Ireland, and if there ever was a case in which a political official of the Government should not have sat it was this case. It would have been much more fair and orderly if Lord Ashbourne had refrained from sitting in the Court of Appeal to hear the case. He was one of five members of the Court four of whom decided one way, while he decided the other. He did not say that his Lordship's law was not of the most perfect and classic character; but he thought he would better have preserved the respect and confidence of the people of Ireland for the Court of Appeal if he had not formed a member of that Court. The Lord Chancellor of Ireland had quite sufficient to attend to if he attended to minors and lunatics. He trusted, therefore, that he would in future follow the example of the English Lord Chancellor. He was very glad to hear the First Lord of the Treasury express his satisfaction at the release of the Rev. Bell Cox, an English clergyman. Now, he did not know what the Rev. Bell Cox was imprisoned for; but he was, at any rate, a convicted prisoner, convicted by a competent authority. Father Keller was not a convicted prisoner. He was not convicted for anything derogatory to religious practices, and he was merely committed by the Irish Bankruptcy Court for contempt, and now it turned out that the Irish Bankruptcy Court had no right to commit the rev. gentleman, and that the whole proceedings were illegal and bad from first to last. If so, all the previous matters depending upon that warrant, including the order given to charge the people at Youghal, resulting in the murder of O'Hanlon, were also illegally done by the Government. The Government, while they supplied tin bayonets to the soldiers who went to Egypt to fight the foes of England, always took care to supply the Irish police with the best cutlery. A Coroner's jury had returned a verdict of wilful murder against the policeman who had killed O'Hanlon and the officer who had given the order to charge. They heard a great deal about law and order, and respect for competent tribunals; but what had happened in this case? The officers of the Constabulary had refused to answer any question as to who had been guilty of this terrible crime, and the Government had backed them up. The Attorney General for Ireland was very strong upon the subject of contempt of Court, but this was in itself a case of contempt of the Coroner's Court. The Government refused even to prosecute Constable Ward and Mr. Somerville, who in the eyes of the law were murderers; they had been retired for a short time upon full pay, and then sent back to the Constabulary. It was not improbable that these men would get promotion, as Town Inspector Cameron and Town Inspector Carr had been promoted after they had rendered themselves obnoxious to the people. Was it likely that the people of Ireland could respect law and order when they saw that the Government itself paid no respect to law and order? The Government acted similarly in the case of District Inspector Milling, who had bludgeoned the people in Cork; and though a Bench of Magistrates returned that Inspector for trial the Government refused to prosecute. [*Laughter.*] Hon. Members opposite were accustomed to laugh when they heard that the heads of Irish Members were broken by the police.

Mr. ATKINSON (Boston) rose to a point of Order, and asked whether the hon. and learned Member's remarks were relevant, because they appeared to him to be nonsense?

Mr. SPEAKER: There can be no point of Order with regard to irrelevancy upon a Motion for the adjournment of the debate.

Mr. T. M. HEALY: I think I caught the word "nonsense." I do not know, Mr. Speaker, whether that word is in Order; if so, it will greatly enlarge the Parliamentary vocabulary.

Mr. SPEAKER: I understood the hon. Member (Mr. Atkinson) to rise to Order when the hon. and learned Member was speaking of hon. Members opposite in a manner that was certainly unusual in this House, and rather, I thought, deficient in the ordinary Parliamentary courtesies, and I thought he was going to refer to that part of the hon. and learned Member's remarks; but he did use the expression that the hon. and learned Member was speaking nonsense, which in itself was not a courteous expression; but I interpreted it to refer to irrelevancy, and said that it was not on a point of Order, as we are on a Question of adjournment.

Mr. ATKINSON: I will withdraw the word "nonsense," and will say that the remarks of the hon. and learned Member were "irrelevant."

Mr. T. M. HEALY said, he was quite indifferent to what the hon. Member or any of his Party might think of his remarks. With regard to the cases of police who had been convicted of illegal conduct, if the Government did not choose to prosecute them, he did not, at all events, see why they should promote them.

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University) said, that as the hon. Member who had referred to the case of the Barbavilla prisoners had not introduced anything new into the discussion, he could only refer him to what he had said in reply to him on former occasions. The hon. and learned Member who last spoke began by referring to the constitution of the Court of Appeal in Ireland. He could only say that the Court of Appeal in Ireland was constituted according to the Judicature Act of

1877; and for a very considerable period before that the Court of Chancery Appeal was constituted with the Lord Chancellor as one of its constituted members. The hon. and learned Member said that in Ireland the Lord Chancellor sat in the Court of Appeal, while in England he did not do so. It would be impossible, without a much larger staff, to manage the Court of Appeal unless the Lord Chancellor was a member of it; and it was on that basis that its constitution under the Act of 1877 was drawn out. It did not appear to be an extraordinary thing, when that Act was passed, that the Lord Chancellor should be placed at the head of the Court of Appeal. They had in the Court of Appeal in Ireland Lord Chancellors drawn from both sides of the House. They had two very distinguished and keen politicians from the Liberal side of the House—Lord O'Hagan and the late Mr. Hugh Law. In the same way, Lord Ashbourne had always acted as his Predecessors had done in presiding in that Court; and, as he gathered from the hon. and learned Member, he did not impute to Lord Ashbourne partiality in the mode in which he administered justice. At present the English Lord Chancellor did not sit in the Court of Appeal. For many years he had done so; but by reason of the appellate jurisdiction of the House of Lords his time was fully occupied, and t had been for many years not usual for him to do so, and why? Because he was presiding in the very highest Court of the Realm. If the case of Father Keller was brought to the House of Lords the Lord Chancellor would preside at the hearing. The hon. and learned Member then referred to the arrest of Father Keller, and asked why the Government should not make some inquiry into the circumstances connected with it, and make that inquiry with the view of seeing that some compensation should be given. What occurred in that case occurred very frequently in the various Courts, the only difference being that it was a rev. gentleman in that case, while in other cases the person committed would not be in Holy Orders. The Court of Bankruptcy made an order that had the effect of sending this rev. gentleman to prison. It came by appeal before the Queen's Bench, and that Court decided that the order was right; and it then came before the Court of Appeal, and that Court, by a majority of four Judges to one, decided that the order was wrong. The hon. and learned Member also refered to the case of an English clergyman, who was released by the Superior Courts. He (Mr. Holmes) was not aware that any demand for inquiry or compensation was made in that case, which was a precisely similar case to that of Father Keller.

Mr. T. M. HEALY: No; he was convicted in that case.

Mr. HOLMES wished further to point out that the Court of Appeal held that Father Keller should be released by reason of the warrant not being valid. They all admitted that the facts of the case as they transpired in the Bankruptcy Court were sufficient to justify the Judge in making the order to commit him to prison, but they held that the mode in which he made that order was bad. The point had been a technical one; although a proper order could have been made, as a matter of fact it had not been made. With reference to the proceedings at Youghal, in which a man, unfortunately, lost his life, it must be remembered that there was considerable excitement in Youghal; and at the time the police charged with their bayonets Father Keller was not arrested at all. It took place early in the morning after the lives of the police had been placed in danger. Although the stabbing of the man was an unfortunate circumstance, he denied that it was a criminal act. The matter was investigated before the Coroner's jury, and it was not a fact that Constabulary witnesses refused to answer any question, because it appeared from the depositions that all the questions asked were answered. He read the depositions most carefully, and beyond all doubt, any officer would be justified in ordering the charge. The man Ward would have been dismissed from the force if he had not carried it out, and the officer (Sub-Inspector Somerville) would have been guilty of a dereliction of duty if he had not ordered it. Having read the depositions he advised that no prosecution should be brought, as he had advised in the case of eight policemen who had, also, been found guilty of wilful murder by a Coroner's jury in Belfast. He was informed that according to the practice in England there was no precedent for a man being put on his trial on a Coroner's inquisition. He believed he would not be justified in the performance of his duty by directing a trial against those men in Youghal or against those men in Belfast. [Mr. T. M. Healy: What happened ?] The matter did not belong to his Department, but he heard the Chief Secretary for Ireland stating, in answer to a Question, that Sub-Inspector Somerville and Constable Ward were still in the force, and he did not see why they should not be. Then, in regard to the case of Sub-Inspector Milling, he was bound to clear the streets of Cork owing to the collection of a crowd in the streets at that late hour. And he did clear the streets, as the police would do under ordinary circumstances. Although the hon. Member for Mid Cork (Dr. Tanner) was knocked down, that was done in the ordinary course of clearing the streets, and on reading the depositions in that case he did what he had done again and again in other cases—directed that the Crown should not prosecute. These were the facts the hon. and learned Member had referred to. He had no knowledge that he was going to bring them forward, except what he said with respect to the Court of Appeal last night; but he had the facts in his recollection, and was, therefore, able to answer the questions which he had raised.

PARLIAMENT — BUSINESS OF THE HOUSE — UNSATISFACTORY STATE OF PUBLIC BUSINESS.

OBSERVATIONS.

Mr. E. ROBERTSON (Dundee) said, he rose to make some observations on a subject which he wished could have been taken up by some Member of greater experience in the House than himself. He referred to the extraordinary situation in which the House found itself placed with regard to the general business of the country. The House had now been sitting four months, and during that time what had taken place? They had passed two clauses of the Coercion Bill for Ireland and the Bill to enable the Duke of Connaught to come home for the purpose of attending Her Majesty's Jubilee Celebrations. He did not know whether the First Lord of the Treasury considered this record of achievements as sufficient to justify the reward he had conferred upon the House in giving a somewhat extended Whitsuntide holiday; but he felt certain that the country at large were looking on with disapproval and with disappointment at the very small results that had attended the first four months of the present Session. He did not blame for a moment the line of conduct pursued by hon. Gentlemen from Ireland below the Gangway; he did not say as to any one of their Amendments that it was not reasonable in itself, or at all events arguable; and there could be no doubt of this—that all their Amendments had been argued with conspicuous ability if not at all times with success in the voting Lobby. But he could not shut his eyes to the fact that any Bill, however small it might be, could be so loaded with Amendments, each in itself reasonable, that the discussion, even the reasonable discussion, of these Amendments might in the aggregate amount to a state of things which would prevent any other business whatever being taken by the House. He did not blame hon. Members from Ireland for doing what they had conceived it to be their duty to do; but he did blame the Government for the position in which the House of Commons was placed. First of all, what was the prime cause of the condition into which they had been led? He insisted upon throwing the responsibility upon the Government, because they had committed themselves to a Bill which, in the view of the Opposition, was absolutely unnecessary and unjustified by the condition of Ireland—a Bill which everybody must have seen was ill-conceived and ill-considered, and which had been ill-defended and obstinately adhered to. The prime cause of the present position of the House was the unfortunate policy of the Government. Then he complained that the Government, having undertaken that policy, had not adopted the only means of carrying it through without injury to the Business of the House. He referred more particularly to the policy and conduct of the Government with reference to the closure, and he would remind the House that the Government had refused to accept the only effective form of closure which was offered to them by the great majority of the Liberal Party. They had insisted on overloading the closure with restrictions which had made it almost inapplicable. They had insisted on retaining the veto of the Chair; they had insisted on the presence of the 200 majority, and they had insisted on introducing considerations with regard to the rights of minorities and the fulness of discussion which were totally irrelevant to the question of the closure as a means of facilitating discussions in that House. The fact was, he supposed, the Government were troubled with the anticipations of a guilty political conscience. They remembered what they had been in the past, and they did not expect always to be in a majority. They had a shrewd suspicion of how the closure would be applied to them when they came to carry out in Opposition their habitual policy. This had foiled the application of the closure, which had bent in their hands. There had never been any closure during the dinner hour, and why? Because the Government could not get the necessary attendance, and because they refused to accept at the hands of the Opposition that absolute majority which alone would enable them to work this instrument. He would not refer to other examples that might be given of the failure of this instrument. This, however, he might allude to—that on several occasions they had been beaten by the application of the closure, because they insisted upon calling in the judgment of the Chair. His further objection to the conduct of the Government in the whole of this matter was that they had not been ashamed to make Party capital out of the situation which they themselves had created. If they were to apply to old maxims in questions of suspected guilt, who was to gain by the perpetuation of the present state of matters in this House, what must be the answer? Who gained by the present condition of this House? It was not the Government alone, but it was the alliance between the Government and the illegitimate Opposition. There was an illegitimate Opposition, which sat on this side of the House and voted with the other, and it was the alliance between the Government and the Opposition, and that alliance only, which gained by the continuation of the present state of things. If the Government were successful in passing through the summer discussing nothing but this Irish Coercion Bill, all the questions would be staved off on which there would be any possibility of dispute between the Government and the Liberal Unionists. He said, moreover, they were attempting to make Party capital out of the present situation by charging the Liberal Party with Obstruction. The secretaries of the right hon. Gentleman (Mr. W. H. Smith), as he knew very well, scattered broadcast over the country insinuations of all kinds against the Liberal Party, until they were checked by questions put to the right hon. Gentleman in that House. For some weeks they had been silent, but apparently, in anticipation of the Whitsuntide Holidays, the secretaries were at it again. Perhaps the House would allow him to read the latest manifesto of one of the right hon. Gentleman's secretaries, which was in answer to a letter from a branch of the Primrose League. Speaking in the name of the right hon. Gentleman, the secretary said—

> "I trust that the growing indignation of the country will, even at the eleventh hour, warn those who are leading the minority in the House of the dangerous and unpatriotic course they are pursuing, and remind them that they, equally with Her Majesty's Government, are responsible that the time of Parliament shall not be wasted, and still more that the proceedings of the House shall not be brought into contempt."

With the sentiments of that letter he had no fault to find. He was as anxious as any man on the other side of the House that the time of the House should not be wasted. He was anxious also that the proceedings of the House should not be brought into contempt or ridicule; nor was he going to presume to defend his Leaders. Some hon. Members on the Opposition side were not such slavish followers of Leaders as were hon. Gentlemen on the other side. He left his Leaders to defend themselves. For himself, he said that the charge in the letter against the Liberal Party was one which they repudiated. What he repudiated especially was that any responsibility whatever rested upon them for the present condition of things. The Leader of the House had the power and the responsibility, and if he chose to engage in measures which led to this result—that after four months the House had done next to nothing—then the responsibility of getting them out of that position rested not upon them but upon him. He wished to make this final charge against the Government—that they were using the state of things they themselves had created not merely as a means of attacking the Liberal Party, but as a means of disparaging this House and of exalting the other House of Parliament. Lord Salisbury could not make a speech without endeavouring to secure Party capital in this way. He was not surprised at anything Lord Salisbury might say. He was not surprised that even Tory Democrats might reveal their real character by such charges as these. They were Tories at heart and Democrats by necessity; but he was surprised that the Leader of that House, who was charged with the maintenance of the honour of the House, could sit silently under charges which were directed against the institution he was bound to protect, and which were based upon a state of things he was chiefly responsible for producing. As a Member of the Liberal Party, as a Member of that House, he declined to permit Her Majesty's Government to walk away with the advantages which they were so disingenuously claiming. He declined to submit patiently to charges which, so far as Members around him were concerned, were entirely unfounded. He insisted that it was the duty of the Government to find a way out of the imbroglio which they themselves had created. This was his practical conclusion. It was the duty of the Government so to manage Parliamentary Business for the rest of the Session that the House of Commons should be able, whether this Bill went on or whether it was dropped, to set itself to the discharge of those tremendous duties which had been imposed upon it, and to the safeguard of the great interests which had been committed to its care.

SIR WILFRID LAWSON (Cumberland, Cockermouth) said, he must congratulate the Leader of the House on having moved the Resolution for Adjournment; it was about the best thing he had done since he had led the House. The adjournment would prevent them from doing a great deal of mischief for a couple of weeks. But still it was a most extraordinary Motion. They had for seven weeks, at the instance of the Government, been doing what was called "promoting law and order" in Ireland. They had been told that the policy of the Government was absolutely essential to keep things quiet in Ireland. The Chief Secretary had told them that they would neglect the most elementary duties of government if they were to defer for a single day to answer the appeal that came to them from Ireland—that things were going from bad to worse in that country, and that society was crumbling into its original atoms. The Chancellor of the Exchequer said they would be guilty of a great breach of trust if they did not restore the authority of the Queen in Ireland. The Chief Secretary for Ireland had told them that there were 850 gentlemen in Ireland suffering from Boycotting. Well, the Bill was brought in for them; it was not brought in to put down crime. They were told at first that it was; but that had gone to the winds, for everyone knew that there was no crime. Even *The Times* and the hon. Member for South Tyrone (Mr. T. W. Russell) were out of work. But why did the Leader of the House, who had brought in this Bill to relieve the 850 Boycotted gentlemen, move this Resolution? He had had plenty of opportunity to carry out his policy. He had had the whole time of the House. He had had the closure, which he put into force night after night with so much ability and with so much agility. He had had the most loyal support of his Party, and he had had a contingent from the Liberal side. He (Sir Wilfrid Lawson) did not wish to use an offensive expression; but he must say of the latter that they were the most servile supporters any Government had ever had. Having all these advantages, in preventing society from crumbling into atoms in Ireland, what did the Leader of the House do at this time of crisis? He moved that the House do adjourn for a fortnight, and left Ireland to crumble into atoms. Everyone must see that the policy and proceedings of the Government were the very greatest sham. He was glad, however, for two reasons that the Adjournment had been moved—first, it would show to the people that the policy of the Government in regard to this Crimes Bill was a sham; and, secondly, because the Radicals would go to the country, and return, he hoped, in a fortnight like giants refreshed with new wine. Hon. Gentlemen opposite might be sure that they would return with increased determination to give the most persistent opposition in their power to what was the most unjust, unconstitutional, and uncalled-for measure ever introduced into a Legislative Assembly. He knew what was said of them in the Tory and other Presses—[An hon. MEMBER: The wine press.]—that they were assisting what was called Obstruction. It was their duty to practise what was called obstruction, but what he called Constitutional opposition. He cared little for the charges made, or for diatribes against them in the Press. He agreed with the noble Lord the Member for South Paddington (Lord Randolph Churchill) when he said that it was the duty of an Opposition to oppose; and the worse the policy the more incumbent was it upon them to oppose. What was done the previous night when some of the most important clauses were dropped or postponed was a justification of the opposition given to the Bill? He had the warmest and sincerest admiration for the Irish Members for the course they had taken. He did not see how anyone who valued patriotism or freedom could object to their course. They had before the House a measure which was nothing more nor less than a declaration of war made by the Government of this country on the Irish nation, and the Representatives of the immense majority of the Irish people would be cowards if for a moment they relaxed their opposition to that measure, and Liberal Members would be traitors to all Liberal principles if they did not support them. The House of Commons was a national assembly, and when any locality was attacked the nation would be called upon to come to the rescue of that locality. When the nation sent a majority to carry out a certain policy obstruction could not be justified. But this House of Commons never was sent to carry a Coercion Bill, and that was why he avowedly defended a policy of persistent opposition to that Bill. The right hon. Gentleman opposite pathetically said—"Do get on with this Bill. Let this Bill get through, and then we can get on with some very important measures we are anxious to pass." The right hon. Gentleman apparently wished the House to look upon him as a benevolent deity with his pocket bursting with Bills ready to scatter them abroad upon a grateful nation. No doubt the right hon. Gentleman believed in himself, but he (Sir Wilfrid Lawson) did not believe a word of what he said about these Bills. The Government were now in the happiest position a Government ever was in. They were getting through the whole Session without doing anything—just the position a Tory Government liked—and making people believe they wanted to do something. He rejoiced that the right hon. Gentleman was giving them a fortnight's holiday, because he believed that time was on their side in fighting this great battle, and that they would come back re-invigorated to give the right hon. Gentleman even more trouble then he had yet had on behalf of a policy which he (Sir Wilfrid Lawson) believed to be one of right and justice.

MR. DILLON (Mayo, E.) said, the defence made by the Irish Attorney General to the case brought forward by the hon. and learned Member for North Longford (Mr. T. M. Healy) was a most feeble one. The right hon. and learned Gentleman had endeavoured to make out a parallel and similarity between the action of the English Lord Chancellor and the Irish Lord Chancellor, whereas anybody who was acquainted with the condition of things in the two countries knew that by no possibility could such a parallel be made out. The Lord Chancellor in Ireland was a Lord Justice at the head of the Executive Government; he was, at all times, one of the chief advisers of the Executive, and actively engaged in carrying on the Executive Government. The present Lord Chancellor of Ireland was one of the pillars of the Government, and a man on whose advice they leaned. The case on which the Lord Chancellor recently sat was a case in which a section of the people believed that the whole of that transaction was part and parcel of a political policy carried out in consultation with the Irish Attorney General and the Executive officers in Ireland. He had reason to believe that there were good grounds for such an opinion. If that were the case, if the Lord Chancellor was at this moment one of the mainsprings of the Executive Government in Ireland, if he had any sense of decency he would not have taken his seat on the Bench where a case of that kind was to be heard, but would have left the trial to the four other Judges, who were perfectly competent to hear it, and who would have fully manned the Court of Appeal. The English Lord Chancellor was not in the habit of sitting on trials where political considerations were decided. This case of Father Keller had been brought forward in that House time after time, and no notice had been taken of it, but there could now be no doubt that a grave and serious wrong had been done this rev. gentleman. He was arrested in a case which he had nothing to do with, simply because it was suspected he would not answer these questions, and that there would be an opportunity of putting him into prison. The Judge of the Bankruptcy Court in Dublin was so eager to carry out the policy that he did not know how to draw up the warrant, which was incorrectly made out, and subsequently declared to be illegal, after Father Keller had been in gaol for eight weeks. He felt bound to protest against the treatment of the rev. gentleman by the authorities while in gaol. It had been most unnecessarily harsh and severe. He heard the First Lord of the Treasury express from that Bench the previous day his gratification at the release of another clergyman of a different religion, and he stated that all the Members of that House would be gratified to hear of the release of the Rev. Mr. Bell Cox. They were gratified that the gentleman was released from prison, for the Rev. Bell Cox was a good friend of theirs, and of the Irish cause; but was it not a strange thing that no English Minister, no, nor any Irish Minister, had indicated the slightest gratification that an Irish priest had been released? On the contrary, as far as they could gather from the manner of the Ministers, while they rejoiced to see an English clergyman released from prison—although condemned by the tribunals of his own Church—yet, when an Irish priest was released from illegal imprisonment—having been condemned by no tribunal—the Minister of Ireland found no cause of congratulation; but, as far as they could judge from his demeanour, rather the contrary. What was the treatment of the two gentlemen? He abstained from drawing any parallel between the cases until the Rev. Mr. Bell Cox was out of prison, in order that it could not be said that the Irish Members were anxious in any way that the indulgence properly granted to the rev. gentleman should be withdrawn. But now he wished to ask how it was that the Rev. Mr. Bell Cox had two carpeted rooms, and was as comfortable as he would be in his own home, while Father Keller was treated like a pickpocket? He considered that the treatment of Father Keller was calculated, and no doubt intended, to embitter the feelings of the Irish people. He asked that an inquiry should be granted into the whole case, and if necessary some compensation granted to Father Keller for the cruel sufferings to which he had been wrongfully subjected.

Mr. W. REDMOND rising to address the House——

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) interposed, and appealed to the House to allow the Question to be put now. They must all feel that the Speaker and the officers of the House were greatly in need of some sort of relaxation. He wished to refrain from putting any pressure on hon. Members; but he appealed rather to their good feeling—not with regard to himself or his hon. Friends beside him—to permit the Adjournment to be now taken.

Question put, and *agreed to.*

House adjourned at a quarter after Six o'clock till Monday 6th of June.

HOUSE OF COMMONS,

Monday, 6*th June,* 1887.

MINUTES.]—SELECT COMMITTEE—Army and Navy Estimates, *nominated.*

SUPPLY — *considered in Committee* — REVENUE DEPARTMENTS; POST OFFICE.

PUBLIC BILLS—*Second Reading*—Customs and Inland Revenue * [241]; National Debt and Local Loans * [266].

Committee — *Report* — Trusts (Scotland) Act (1867) Amendment * [225].

Withdrawn—Corn Sales * [91].

PROVISIONAL ORDER BILLS — *Ordered* — *First Reading*—Pier and Harbour (No. 2) * [276]; Metropolis (Cable Street, Shadwell) * [277]; Metropolis (Shelton Street, St. Giles) * [278].

QUESTIONS.

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SECRETARY FOR SCOTLAND—LEGISLATION.

MR. MUNRO-FERGUSON (Leith, &c.) asked the Lord Advocate, When the measure for completing recent legislation as to the powers of the Secretary for Scotland will be introduced?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): It is expected that this Bill will be brought in in "another place" on an early day.

PUBLIC WORKS (IRELAND)—THE GOVERNMENT SUBVENTION—DRAINAGE OF THE BARROW, &c.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked Mr. Chancellor of the Exchequer, Whether the Government have yet decided as to the particular mode in which the £50,000 proposed to be taken for public works in Ireland is to be expended; and, whether, in view of the immense damage annually caused by floods in the valley of the Barrow, in insalubrity induced thereby, the impossibility of properly draining such places as Portarlington, and other centres of population, and the strong representations made by a series of Commissions and other authorities on the subject, he will cause arrangements to be forthwith made for carrying out a general scheme for dealing with the main channel of the Barrow, from Mountmellick to Carlow, in the present summer?

The CHANCELLOR of the EXCHEQUER (Mr. Goschen) (St. George's, Hanover Square): Her Majesty's Government have been giving their very best attention to this matter, and are working out the best plan for the disposal of the sum referred to. I shall be obliged to the hon. Member if he will repeat his Question on Thursday, when I trust that I shall be in a position to give him full details with regard to the subject.

WAR OFFICE—THE ROYAL ENGINEERS—TRANSFERENCE OF LIEUTENANT GORDON OF THE ROYAL MARINE ARTILLERY.

Sir HENRY TYLER (Great Yarmouth) asked the Secretary of State for War, Whether it is the case that a Lieutenant from the Royal Marine Artillery has been appointed to a Lieutenancy in the Royal Engineers, over the heads of all existing Lieutenants of Engineers whose commissions bear date subsequent to 15th February, 1883; and, if so, on whose recommendation and on whose responsibility that appointment has been made; whether, under the terms of the Royal Warrant, such an appointment could legally be made; and, whether, in view of the injury which may result to officers thus superseded, the precedent thus for the first time created is to be allowed to be followed in the future?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): Lieutenant Gordon, of the Royal Marine Artillery, had been employed for some time at Suakin as our acting Engineer, and he was reported to possess in a marked degree the qualifications of an Engineer officer. As he was also a nephew of that very distinguished officer of Engineers, the late General C. G. Gordon, the authorities of the corps were desirous that he should be transferred to it, so that one of the same name and family should still be borne on the roll of the Royal Engineers. In accordance with that desire, the Secretary of State, on the recommendation of all his military advisers, felt justified in submitting to Her Majesty a transfer which was undoubtedly unusual. Care was taken that Lieutenant Gordon should not supersede in the corps any officer who had been a candidate with himself and above him when, in 1880, he qualified for admission to the Royal Military Academy, though he was not successful in gaining admittance.

Sir HENRY TYLER: Is it not a fact that 193 officers have been superseded?

Mr. E. STANHOPE said, that, as he had already stated, care had been taken that no one should be superseded, and that no injustice should be done to any other officer by the transfer; but he could not state whether the figures quoted by the hon. Member were exact.

CEYLON—CELEBRATION OF THE JUBILEE OF HER MAJESTY'S REIGN—LEGISLATIVE COUNCIL—PROPOSED REFORM OF CONSTITUTION.

Sir ROPER LETHBRIDGE (Kensington, N.) asked the Secretary of State for the Colonies, Whether Her Majesty's Government have received any intimation of a wish on the part of the people of Ceylon that Her Majesty's Jubilee in that island should be commemorated by a reform in the constitution of the local Legislative Council in the direction of enlarged popular representation; and, if so, whether any steps will be taken to carry out that wish?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): Her Majesty's Government are unable to take the steps contemplated in the Question. The Constitution of Ceylon from time to time has formed the subject of discussion, and the Government has recently sent home a Memorial and a counter Memorial on the question. The population of Ceylon is composed almost entirely of Natives, and it is a matter of grave consideration how far it would be possible to entrust to them the responsibility of electing Representatives consistently with the system of Crown Colony government, which is the only one possible in Ceylon. At present there are six unofficial Members of the Council, representing the Burghers, the Cingalese, and the Tamil populations. Besides these, three Europeans, representing the general European community, the Chamber of Commerce, and the Planters' Association respectively, have seats in the Council. To fill those allotted to the Chamber and the Association, the usual practice is to invite those two Bodies to suggest the names of fit candidates, who are thereupon appointed. The Governor reports that the Memorial aroused no popular feeling, and was not supported by any unofficial Member, Native or European.

BURMAH (UPPER)—THE RUBY MINES.

MR. BRADLAUGH (Northampton) asked the Under Secretary of State for India, Whether he will state the tenour of the document communicated to Messrs. Streeter with reference to the Ruby Mines of Burmah, and the names of the several persons who have applied for permission to visit the mines, the dates of their several applications, and the respective grounds stated for each such application, and the date and tenour of the reply in each case; why permission was granted in one case and withheld in others; and who is the person responsible for the permission granted to the representatives of Messrs. Streeter?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The Secretary of State is not in possession of such official information as is necessary to enable me to reply to the detailed inquiries of the hon. Member. He has, therefore, referred to India for a full Report upon the matters in question.

MR. BRADLAUGH asked, whether the hon. and learned Gentleman could give him any information of which the Government were now in possession, whether official or officious?

SIR JOHN GORST said, that he did not like in a matter of that kind, which appeared to be of a controversial character, to make any statement unless it was supported by official information.

MR. BRADLAUGH asked, whether the hon. and learned Gentleman meant, by the term "controversial," that he had any reason to modify any answers that he had already given on this subject?

SIR JOHN GORST: I am afraid that I cannot answer that Question without Notice.

MR. BRADLAUGH said, he would like to know from the right hon. Gentleman the First Lord of the Treasury, whether, as the question could only be raised on the Indian Budget, and as he (Mr. Bradlaugh) had reason to suppose that many of the answers which had already been given were not in accordance with the facts which were now known, the right hon. Gentleman would give him some opportunity of permitting the question to be raised, seeing that it implied serious misrepresentation by the Home Government, or serious misconduct on the part of the officials in Burmah?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I must ask the hon. Member to be good enough to give me Notice of the Question, as I have no information which justifies me in giving an answer which might appear to imply agreement on my part with the views of the hon. Member.

MR. BRADLAUGH said, he should like to know whether the hon. and learned Gentleman the Under Secretary of State for India could give a similar assurance to that of the right hon. Gentleman, or, indeed, any information on the subject?

SIR JOHN GORST: As the hon. Member has appealed to me, I can only say that there is no foundation whatever for the implication involved in the Question put to the right hon. Gentleman by the hon. Member.

MR. BRADLAUGH gave Notice that, inasmuch as the answers which had been given on the part of the Government were unsatisfactory, unless within a reasonable time the Government were in a position to make a complete statement as to the contracts with reference to the Ruby Mines, he should take such means as were in his power to raise a discussion on the subject.

WAR OFFICE (ORDNANCE DEPARTMENT)—DEFECTIVE WEAPONS—THE TESTS.

CORRECTION OF ANSWER.

The SECRETARY of STATE for WAR (Mr. E. Stanhope) (Lincolnshire, Horncastle): I wish, with the permission of the House, to make a correction of an answer which I gave just before the Recess. On the 19th of May, in answer to my hon. Friend the Member for Preston (Mr. Hanbury), I explained at some length the re-testing of the triangular bayonets in the hands of the Regular Army, and in store. On Wednesday last, I became aware of an inaccuracy in my statement as regards sword bayonets; and I communicated to my hon. Friend my intention to correct it, with the permission of the House, to-day. I then stated that the test now applied to the sword bayonets included, among other things, their "being sprung round a curved block 2½ inches high, or over a bridge giving the same bend." I find now that the height of the bridge is really only 2 inches, and not 2½ inches. This must also modify my answer as to the comparative severity of the tests applied to these sword bayonets. The new test is more severe as regards blows on the flat, but the height of the bridge over which they are tested is the same as before. I am sorry to have made any error in a statement of so much importance. The information was supplied to me on the authority of Colonel Arbuthnot, late Superintendent of the Small Arms Factory, who expresses his regret that in speaking from memory the error should have occurred.

Mr. HANBURY (Preston) asked, whether the bayonets would be submitted to any stronger test?

Mr. E. STANHOPE said, that that would be impossible, as they were 30 years old.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY).

Mr. GOURLEY (Sunderland): Seeing the First Lord of the Treasury in his

place, I should like to ask him, Whether it has been finally decided by the Committee who have charge of the arrangements being made for the Jubilee Service at Westminster Abbey, that the Members of the House of Commons who are widowers and bachelors are to be debarred from being accompanied by ladies; and, if not, whether the right hon. Gentleman will ask the Committee to reconsider their decision upon this point, as I believe that the number of widowers and of bachelors in the House is not very large.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I have not had Notice of the hon. Member's Question, and, therefore, I am unable to answer it definitely. As far as I know, however, the arrangement proposed was, that accommodation should be provided in the Abbey only for Members of the House and their wives. I will, however, inquire whether it is possible to make any relaxation in the rule with reference to the cases of those Members of the House who may be widowers or bachelors.

THEATRES — PROTECTION OF LIFE FROM FIRE — BURNING OF THE OPERA COMIQUE, PARIS.

Mr. DIXON-HARTLAND (Middlesex, Uxbridge) asked the First Lord of the Treasury, Whether, in view of the frightful accident that has occurred in Paris by the burning of the Opéra Comique, and to the possibility of similar accidents occurring in London, in consequence of the non-inspection of theatres, he will allow his (Mr. Dixon-Hartland's) Bill, which stands upon the Paper for the 15th, to become the first Government Order?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I am sorry it is not in my power to accede to the view of my hon. Friend. He is well aware that, under the present circumstances, I am unable to make any promise with reference to the progress of Private Business.

Mr. DIXON-HARTLAND: I would further ask my right hon. Friend the First Lord of the Treasury, whether he is aware also that one of the Deputies in the Paris Chamber of Deputies raised the question of this very theatre, and whether he (Mr. W. H. Smith) will not consult his Colleagues before he returned a definite answer to so very important a Question.

[No reply.]

COAL MINES—THE UDSTON COLLIERY ACCIDENT.

MR. ARTHUR O'CONNOR (Donegal, E.) asked the Secretary of State for the Home Department, with reference to the accident which happened at the Udston Colliery, in Lanarkshire, whereby a large number of lives were lost and a very large number of persons were injured, What is the constitution of the Board of Inquiry which is to be appointed to investigate the circumstances; and, secondly, whether there are any means known to the Home Office by which the magnificent heroism which has been displayed by the rescuing party will be properly recognized? He would also ask, whether the right hon. Gentleman could inform the House when the Coal Mines Regulation Bill was likely to be reached?

MR. S. MASON (Lanark, Mid): I intended to have myself asked the right hon. and learned Gentleman the Question which has now been put by the hon. Member; and I wish to impress on the Government the necessity—[*Cries of* "Order, order!"] — of the Coal Mines Bill being reached as soon as possible.

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): With regard to the unfortunate accident at Udston Colliery, to which the hon. Member alludes, I immediately directed that an inquiry should be held the moment it was brought to my notice. That inquiry, as far as my memory serves me, will be conducted by one of the Inspectors, assisted by a Scotch barrister nominated or suggested to me by my right hon. and learned Friend the Lord Advocate as a proper person to conduct the inquiry in the most satisfactory way. With regard to the second part of the Question, that of rewarding the heroism of the relief parties, I am afraid that I have no means directly in my power of recognizing what I would so gladly recognize, except that of suggesting that those among them who have displayed the necessary amount of conspicuous gallantry should be awarded the Albert Medal of the first or second class according to the circumstances. I have not yet had before me any details as to the conduct of these gallant men, but I am aware generally that there has been very great bravery displayed by the rescuing party throughout. With regard to the Coal Mines Regulation Bill, it stands at present for the 9th of June; but I am afraid that I am not in a position to say whether it will be proceeded with at that date. I will, however, endeavour to give the hon. Member the information he desires upon the point to-morrow.

MR. ARTHUR O'CONNOR asked, whether the Board of Inquiry would have power to inquire into the Reports of Inspections of the mine in question which had been made for some time anterior to the accident, not only by Her Majesty's Inspectors, but also by the subordinate officials connected with the management of the colliery?

MR. MATTHEWS: I should like to refresh my memory by reading the section of the Act before I answer this Question; but whatever the law enables me to inquire into shall be inquired into. For the satisfaction of the hon. Member I may say that, at the request of the workmen, I desired that the Inspector should allow two representative workmen to accompany him in the inspection made at the pit with the view of ascertaining the cause of the accident.

MR. TOMLINSON (Preston): Will the Inspector who is to conduct the inquiry be the Inspector for the district in which the colliery is situated, or an Inspector taken from some other district; and, will there be given, in the course of the investigation, an opportunity of inquiry into the allegations that have been made, that on some of the bodies of the men were found the means of opening their safety lamps?

MR. MATTHEWS: I have already stated that the inquiry shall be the fullest that the law permits; but not having the terms of the section of the Act in my memory I am unable to answer definitely the Questions put to me. As regards the Inspector who shall hold the inquiry, it appears desirable that it shall be conducted by some other Inspector rather than by the Inspector of the district.

ORDERS OF THE DAY.

SUPPLY—REVENUE DEPARTMENTS.

SUPPLY—*considered* in Committee.

(In the Committee.)

POST OFFICE.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £4,820,770, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Expenses of the Post Office Services, the Expenses of Post Office Savings Banks, and Government Annuities and Insurances, and the Collection of the Post Office Revenue."

MR. BRADLAUGH (Northampton): There are two points to which I wish to draw the attention of the right hon. Gentleman the Postmaster General, one of which is personal to himself, while the other deals chiefly with the Post Office at Liverpool, in regard to which there are one or two general remarks I desire to make.

MR. HENNIKER HEATON (Canterbury): I rise to a point of Order. I have an Amendment to move on the second item contained in this Vote, and I wish to know whether I shall be in Order in bringing forward that Amendment, if a general discussion is taken now upon the whole Vote?

THE CHAIRMAN: Does the hon. Member for Northampton (Mr. Bradlaugh) propose to move an Amendment upon any special item of the Vote?

MR. BRADLAUGH: No; but I have risen for the purpose of speaking upon the whole Vote. I do not intend to move any Amendment in connection with any particular item.

THE CHAIRMAN: Then, in that case, there will be no interference on the part of the hon. Member with any Amendment the hon. Member for Canterbury (Mr. Henniker Heaton) may desire to move subsequently. I would ask, however, whether the hon. Member for Northampton intends to propose the rejection of the entire Vote?

MR. BRADLAUGH: No; I am addressing myself to the whole Vote and, therefore, I am entitled to speak upon the whole Vote. The first question I wish to ask the Postmaster General is, whether he promotes by seniority having reference to fitness, which appears to me to be the regulation concerning promotions established by the Post Office, and which will be found on page 105 of a book which is, no doubt, very familiar to the right hon. Gentleman; or whether he simply regards fitness without reference to seniority, or whether he takes seniority without reference to fitness, or whether he acts on the advice of heads of Departments without reference to either, or whether he disregards alike advice, seniority, and fitness for reasons personal to himself? My reason for putting this question is that I have recently received a letter giving certain information which may or may not be accurate, although I have taken the best means in my power to verify the facts contained in it, and also those of certain other cases which I desire to bring before the Committee. This letter states that a very flagrant case has occurred within the last few days. There was a vacancy for a second-class clerk in the Receiver and Accountant General's Office, and for that vacancy a person was recommended as the senior man qualified for promotion. The letter states that the right hon. Gentleman the Postmaster General did not confer the post upon the gentleman so recommended, but that he has promoted, although on probation only, a Mr. Davies, who stood fifth in the class, and who was reported by his senior officers as not fully qualified to perform the duties of his own class. I think the right hon. Gentleman ought to make some satisfactory statement to the Committee as to what certainly does seem to be a departure from the rules which govern promotion, and that he will explain why it is that, absolutely in the face of the declaration made by the heads of a Department, he has promoted a gentleman who was declared to be unqualified for the duties he is now performing to the performance of the still higher duties to which he has been promoted. I come now to a matter of which special Notice has been given to the right hon. Gentleman. The right hon. Gentleman has already answered some Questions which I put to him in reference to the Post Office at Liverpool, and I now wish to deal with the matter in one or two general words. I am inclined to think that in Post Office management errors have been allowed to creep in which are difficult to account for, but which operate prejudicially in various ways. One serious defect is, that the letter-carriers, sorters, and the lower class of *employés* are so poorly paid, that they are under a strong temptation to commit crime. Another defect is, that the superior classes are either too well paid or have too little to do for the pay they receive. The great evil connected with the promotion in the superior classes appears to be this, that the Post Office promotion is conducted on a method entirely different from that of the rest of the Civil Service, and without any reference to the eligibility or seniority of the persons promoted. In the Post Office Department throughout the country the postmasters have the opportunity, which they generally exercise, of appointing or promoting persons from personal considerations, or from influences which may be brought to bear upon them. For my own part, I think it would be more wise, if it were possible, to place the Post Office promotion on the same level as the rest of the Civil Service promotion. Surely if it is good for one set of Departments, it should be equally good for another. In referring to occurrences which have recently taken place at Liverpool, I am under this difficulty—that I have had to investigate the facts entirely from one side, and I may have been misled, in some degree, in the matters I am about to submit to the Committee. I put a Question to the right hon. Gentleman the Postmaster General in the first week of April, in reference to the promotion of a man named McDougal, who had been promoted over 14 persons who were his seniors. The answer given by the right hon. Gentleman was that, although there were in the second class 14 clerks who were senior to this gentleman, "All those 14 clerks, I am sorry to say," remarked the Postmaster General, "were reported to me as not qualified for the duties of a higher class." Now, I do not know whether the right hon. Gentleman would wish me to trouble the Committee with the particulars of all those 14 cases, into the whole of which I have gone carefully. I found that none of them warranted the answer given by the right hon. Gentleman. Let me take the first case, because it is one which seems to me to put the answer of the right hon. Gentleman entirely on one side. The first person passed over had been for 42 years in the Service, whereas the person who was promoted over his head had only had six years' service. The person with 42 years' service was a gentleman of irreproachable character, and it is recorded that he is employed in the highest duties of the class to which he belongs; not only so, but he is also employed to instruct others belonging to that class in the performance of their duties. The next person passed over was a gentleman who had had 32 years' service. He, also, was of irreproachable character, and had been in sole charge of a branch office for seven years. These are two out of 14 persons passed over for this gentleman with six years' service alone. I will not trouble the Committee with the other 12 cases, although in each case there seems to have been nothing whatever against the persons who were passed over. Therefore, I think the Committee are entitled to some explanation why, when the rule laid down distinctly [says] that seniority is to be regarded when there is nothing in the nature of unfitness, and that it is to govern the postmasters in the various districts in reporting to the Postmaster General for promotion. I think the Committee ought to have some explanation as to how it has come to pass that, in this instance, that regulation has been disregarded. I am sorry to bring these questions before the Committee; but there is no other tribunal which is capable of examining them, and, if necessary, of reversing the Postmaster General's decisions. Therefore, I think it is not unreasonable that I should take this opportunity of submitting the matter to the Committee. This, however, is not the only case which has occurred in Liverpool, where the promotion has been dependent upon the judgment or the favouritism of the Postmaster General. I believe the postmaster of the Liverpool district is an admirable servant. I am assured by those who know him better than I do that as postmaster in a large office like Liverpool he conducts the business in a way that is most satisfactory to the State. But I hold in my hand a list of five cases of unsatisfactory promotion which have taken place in reference to the lower class of officers in Liverpool. One is the case of a man named Hegnett, who has been promoted to be assistant superintendent over 19 persons who were his seniors by many years, and many of whom have been engaged in the performance of duties which involve great responsibility, and which they have performed with a considerable amount of satisfaction. There is, also, the case of a man named Helsby, promoted over 11 other officers. This promotion has been regarded as a special hardship, seeing that several men who were senior clerks were admittedly qualified for the duties this gentleman is now performing, and who have been passed over for no reason whatever, as far as I can make out, and who ought to have received from the State the reward to which their services entitled them. Then, again, there is the case of a man named Miller, who has received promotion over the head of a gentleman named Richardson, who has been acting as assistant superintendent for years with the salary of a supervising clerk only. There are several other cases of the same kind with which I will not trouble the Committee, but I will go to a case which seems to show, if anything can show, that favouritism does operate in the Liverpool Post Office. I will take the case of the medical officer, because it is one of so striking a nature as to show what happens generally in the whole of the Department. Prior to June, 1882, the whole of the Medical Department at Liverpool was under the control of Mr. Townsend—Mr. Townsend being a doctor of considerable experience, and a gentleman in regard to whom there had been no complaint. It was suggested in 1882 that the district under this gentleman's care was too large. Mr. Townsend had several assistants, who were qualified medical men. A portion of the district was, however, taken from him, and given, not to one of Mr. Townsend's assistants, but to a young gentleman who may have been highly qualified, for anything I know, but who came fresh from his examination, and whose only qualification appears to have been that his father happened to be the postmaster. This young gentleman received the appointment at a high salary, and after a little while Mr. Townsend resigned, and the three districts into which Liverpool had been divided were handed over to young Mr. Rich, notwithstanding the fact that in the first instance he had only been placed in charge of a third of the district, on the ground that the district itself was much too large. The result is, that a district which in 1882 was under the charge of a highly qualified practitioner, and was then declared to be too large for the supervision of any one individual, has now been handed over to this young medical gentleman, whose qualifications may be great, but whose only qualification, as far as I know, is that he happens to be the son of the man who appointed him. I think it requires something more than an offhand answer in this House to get rid of the complaints which have been made in regard to the way in which promotion has been carried out in the Liverpool Post Office. I quite feel that it may be suggested that the statements I have made are *ex parte*, and liable to be challenged on the other side. That is the misfortune of the manner in which these questions have to be dealt with. It is, however, no fault of mine, and as long as these matters have to be discussed on the Votes it will be necessary to discuss them in this way. It has not been an agreeable task to myself to have been compelled to raise the question now. In the first instance, I put a Question to the right hon. Gentleman, and when his answer differed from my own knowledge of the facts I was obliged to give Notice that I would raise the question on the first opportunity that was afforded to me. In conclusion, I will ask the Postmaster General to state, when he rises to reply, whether it is not possible, especially in the case of the Telegraph Department, to consider if there are not a number of men with high salaries whose salaries might be saved, and the sums they receive apportioned among the lower class of servants, who are at present wretchedly paid, and who are occasionally found figuring in the Criminal Courts charged with embezzlement and felony on account of the starvation wages they receive not being enough to enable them to provide for themselves and their families? I have no wish to attempt any palliation of the criminality of their conduct; but I must put it to the Government that it is the duty of the State to pay the men it employs in its service such wages as will remove them from all temptation to commit crime.

Mr. HENNIKER HEATON (Canterbury): I do not propose to occupy the attention of the Committee for any length of time; but the speech of the hon. Gentleman who has just sat down affords me an opportunity of directing attention to the fact that all the blame in matters connected with the Post Office rests with the official Heads. The Postmaster General, like other political Heads in this country, finds himself in this difficulty—that if he were to oppose the permanent officials of his Department he would inevitably go to the wall. At any rate, that has been the experience hitherto; and in order to bring the question clearly before the Committee I feel tempted to move the omission from the Vote of the item for the salary of the Secretary of the Post Office. To give an instance of what I mean, I think it will be in the recollection of hon. Gentlemen that in an early period of the Office of the present Postmaster General an address of sympathy was got up to the Secretary of the Post Office himself and signed by all the head officials in the Office. If such a thing had been done under ordinary circumstances, or if it had occurred to anybody else, in all probability the offender would not have been tolerated in office for a day. The Postmaster General took a stand against the action of this official, but I believe that he found the officials in the Department were backed up in high places, and for several days there was a question whether the Postmaster General should resign his Office or continue in the performance of his duties. The very document—I mean the address of sympathy—came into the hands of the Postmaster General, and I asked him some Questions in the House upon it. He informed me that he had not made up his mind what action to take in the matter, and that before taking notice of it he intended to consult the Head of the Government. That answer simply meant this—that it would be a question for the Head of the Government to say whether Mr. Blackwood was to continue his office of Secretary to the Post Office, or whether the Postmaster General should resign. If the Postmaster General had continued his objections to the proceedings of the Department, can anybody doubt what the result would have been? I have called attention to the action of the Secretary to the Post Office, because that gentleman is responsible for almost every one of the matters which have been referred to by the hon. Member for Northampton; and, moreover, the Secretary to the Post Office has been notoriously opposed to every reform which has been attempted to be brought about in the Post Office of this country. I trust I may be permitted to allude to some of the reforms which we desire to bring about. In doing so, let me point to this simple fact that in every country in Europe, except England, and in all the Colonies with which I am acquainted, Money Orders can be sent by telegram. If a man desires to send a few pounds from Sydney to Melbourne, for instance, he has simply to go to the Money Order Office and the service is performed by telegram. In the same way, if he desires to send a sum of money to Germany, Switzerland, or France, he is able to do so by the simplest operation possible; but through the obstinacy, the officialism, and the desire on the part of the Post Office Authorities to avoid trouble, obstacles have been placed in the way of effecting this reform in this country. I think there could be no greater advantage conferred upon the public than to provide that if a man desires to send a few pounds to Manchester or Liverpool, or from any of the large towns to the Metropolis, he should be able to go to the Post Office and do so. I am afraid, however, that this reform will never be carried out until we teach the Post Office officials that we are their masters. The next point I desire to draw attention to is the nature of the postal arrangements of this country with all parts of the world. I have prepared a statement showing the postal rates from this country to France, Germany, and other parts of the Continent, as well as to the Colonies and other parts of the Empire. It will be found that the postage from England to the Colonies is 4*d.*, 5*d.*, and even 6*d.*; whereas from France and Germany, as well as various other countries, it is only 2½*d.*—that is to say, that what in England is charged 5*d.*, is charged in Germany and every other country in the world, 2½*d.* I say it is a scandal that to all parts of the British Empire the charge should be 5*d.* from England, and only 2½*d.* from Germany and France. The same remark applies to the postal rates from Ceylon to Hong Kong, the Straits Settlements, and to other countries. The system pursued creates much annoyance to men engaged in business. The other day I received an envelope from Singapore, which had been received there from New York with a 2½*d.* stamp. By the same mail steamer the gentleman who sent this letter received a number of home letters, for each of which he had to pay 5*d.* As a matter of fact, the English Government are giving a bounty to foreigners to carry on their business, and they are imposing on English merchants and traders double the rates charged in America, Germany, and France. Nay, foreign letters are even sent through our own Office for half the rates charged upon English letters. I maintain that such a state of affairs is a great scandal, and that it is the duty of the Postmaster General to make an inquiry into such a condition of things. No doubt, the Government are making a large profit out of the Post Office; but they are pursuing a course only to be paralleled by that of a farmer who preferred to eat up his seed corn rather than sow it in the field for a future harvest. Probably the Postmaster General will inform the Committee that there is a decrease in the revenue of the Post Office. I say that that is a great mistake. I have carefully looked through the Estimates connected with the Post Office, and I find that so far as the postage of letters is concerned, there is a very large profit indeed, amounting to something like £3,000,000 a-year; and, further, that there has been a steady increase in the profits derived from this source during the last 40 years. If there has been any source of trouble or difficulty which has arisen from the mode in which the affairs of the Post Office are managed and administered, and the large and increasing expenditure which is incurred, it is also very difficult to get at the real facts; and if a Question is put to the Government with reference to the nature of the arrangements with foreign countries, the invariable reply is that no accounts are kept with foreign countries. Fortunately, I have been able to obtain an account which shows what the real state of matters is, and the facts are of such an extraordinary nature that I maintain and I think it is a duty of the Postmaster General to cause an inquiry to be made into the whole question. The profits of the American Mail Service amount to more than £100,000 a-year, while the whole cost of sending letters to America is only £80,000. Indeed, we could establish 1*d.* post to America without costing the country one farthing, but, in fact, leaving a profit of £120,000 a-year. I do not ask for any reduction whatever on book postage, or on newspapers or circulars, but only upon letters. It is a curious fact that the postal arrangements in Australia yield £120,000, while the whole cost of a weekly service is only £85,000. Nevertheless, when any proposal to carry out any reform is made, the officials of the Post Office invariably come forward and whisper in the ear of the Postmaster General their fears that it will involve a loss. The result is, that any Englishman can at this moment send six letters to his friends in England, Ireland, and Scotland for every one he sends to Australia. I believe that Imperial Penny Postage could be carried out without involving any loss to the Revenue, and in order that the matter should be inquired into I asked for a Select Committee. Some of the Members of the Opposition promised me their support; but I believe that the Government intend to oppose the Motion, notwithstanding the fact that if a Select Committee were appointed, and I failed to prove my case, the Government would be confirmed in their present course of action. I see that the next Vote in these Estimates is for the Packet Service. We are asked to vote a sum of £725,000 for the Packet Service.

The CHAIRMAN: Order, order! The question of the Packet Service is in the next Vote, and not in this.

MR. HENNIKER HEATON: Then I will touch upon that question later on. All I will say now is that the heavy subsidies we are paying for the conveyance of mails are, in my judgment, no longer necessary. If we want speed, it would be much better to subsidize the Cable Service of the Telegraphs. I believe that we could construct cables to Australia for much less than we are now paying for the Mail Service. And what is the state of matters in India? We are constantly boasting of being in touch with, and having the freest possible communication with, every part of the Empire, and yet the English people cannot send a letter to distant parts of the Empire under 6*d.*, and they cannot send a telegram under 10*s.* a word. These are prohibitory rates which ought no longer to be tolerated by this House, and if we really want Imperial unity we could not act more wisely than in reducing the rates to all parts of the Empire. There are other important matters in connection with the anomalous state of things now prevailing which ought not to be overlooked, and among them is the growing danger to our trade, especially when it is well known that Germany and France are sending heavily subsidized steamers to Australia to compete with our trade in letter carrying. Those who know the Post Office Departments of Germany and France are quite aware that these subsidies are not paid for Post Office purposes at all. I was surprised to hear the Chancellor of the Exchequer declare that the Post Office does not pay, and he endeavoured to prove it by including the money paid for the Packet Service. The enormous sum paid for Packet Service should not be charged to the Post Office at all. To prove that, and to show the absurdity of the Chancellor of the Exchequer's views on that head, I will point out that we pay at the present moment something like £350,000 for the Packet Service to India, while the total revenue derived from it only amounts to £55,000. Would that be tolerated for a moment if it were not perfectly clear that we are paying this large sum of money for other purposes? Such an expenditure would not be sanctioned unless the people were aware that it was incurred for the purpose of encouraging trade. If you admit that fact, I would ask you why should the Post Office, and those who send letters, be put to this enormous cost, and be prevented from carrying out the reforms of the Post Office Service which are so strongly demanded? The theory now put forward by the Government in justification of their refusal to carry out reforms is altogether a new doctrine. As a proof of this, I may mention the fact that a Select Committee was appointed by this House in 1863, of which Sir Stafford Northcote was a Member.

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): Sir, I rise to Order. I understood you to rule just now that the hon. Member would not be in Order in dealing with the question of the Packet Service, which has nothing to do with the Vote now under discussion.

The CHAIRMAN: That is so. I pointed out to the hon. Member that the Packet Service is in the next Vote.

Mr. HENNIKER HEATON: I beg to apologize for having wandered from the subject of the Vote; but it is difficult to separate the two matters. The whole system of our Telegraph and Postal Services ought to form the subject of an inquiry. Most gross anomalies exist, and every week samples of English goods are posted abroad, instead of being sent from England. I am acquainted with one firm, who have informed me that they have posted 500,000 samples to all parts of England at one-half the rate which it would have cost them if they had posted them in London; and as a matter of fact, letters for all parts of the British Empire can be posted from France and Germany at 100 per cent less cost than would be entailed if they were posted in England. There are other grievances of another kind which demand a remedy; and, under these circumstances, I think we are justified in asking for a full inquiry into the whole state of affairs.

Mr. RAIKES: I do not know whether it is desirable that I should intervene so early in the debate; but as the speech of the hon. Member who has just addressed the Committee seemed to travel rather wide of the question, perhaps it would be as well to go back to the observations of the hon. Member for Northampton (Mr. Bradlaugh), which certainly were relevant to the Vote now before the Committee. The hon. Member for Northampton called attention to the system—or, rather, what he characterized as a want of system—in regard to the promotions in the Post Office. I quite admit that it is an extremely difficult thing to conduct the promotions in this or any other important Public Department. The hon. Member has asked me whether, in sanctioning various promotions, I am guided by the question of fitness, or by seniority, or by fitness accompanied by seniority, or by the advice of my permanent advisers? In reply, I can only say to the hon. Member, as I think he has already anticipated, that I am guided by all those considerations. I think it is very desirable that fitness should be considered, and by the constitution of the Department it is bound to be considered in the case of all promotions to the first class In the promotions in the classes below, seniority, coupled with fitness, is considered. Of course, I cannot myself pretend to decide as to the individual merits of the 94,000 or 95,000 *employés* of the Government in the Post Office Department, and I have to be largely guided by the opinions of those who are acquainted with the details of the Service. The hon. Member has made special reference to the case of a promotion which took place a short time ago in the second class in the Office of the Receiver and Accountant General. It is a curious thing that whenever a man does an act which he thinks will be popular, he afterwards finds that that is the very thing he gets pulled up for. I have not had any communication with the hon. Member for Northampton as to the details of this particular promotion; but if he had intimated to me that he desired to bring the matter before the House of Commons, I should have been glad to give him all the information in my power.

Mr. BRADLAUGH: I regret that I did not give Notice to the right hon. Gentleman. As a matter of fact, the Holidays prevented me from giving the same Notice in regard to this case as I gave to the right hon. Gentleman in regard to other cases.

Mr. RAIKES: As far as I remember, three clerks had to be promoted, and the Secretary recommended me to promote three officers who were all rather junior. It was said that the first four in the class were not fit for promotion; the fifth was an improving clerk, and after him came others who were reported to be fit for promotion. I was asked to promote three gentlemen the highest of whom stood ninth on the list, but I was unwilling to pass over the first eight clerks, when I saw that one of them was reported to be an improving officer. I therefore thought it would be better to give the improving officer a probationary appointment, and that is the long and the short of the whole matter. I have no knowledge whatever of the gentleman promoted, either personally, or of his politics. I come now to the case of Liverpool. These cases seem to be rather mutually destructive. In the first case I did, to a certain degree, disregard the advice tendered to me, and I recognized the principle of seniority; whereas, in the case of Liverpool, I acted upon the advice given to me, and disregarded seniority. Yet the hon. Member is not satisfied with either appointment. These two cases exemplify the difficulties which surround the Postmaster General in making these appointments; but they show, at all events, that I have not erred according to any fixed principle for determining what I ought to do. As regards Liverpool, the hon. Member brought the case before the House some time ago, and when my attention was called to it, I at once sent for the papers. I was extremely reluctant to confirm that promotion. I quite feel the force of what the hon. Member has said, and it certainly did seem that some of those who have been passed over had considerable claims. I did not, however, care to set aside the very strong recommendation of the postmaster of Liverpool in favour of any individual respecting whom I had no information at all. I was inclined to believe that the officer promoted must be a gentleman of exceptional merit, seeing that he had been acting almost as a sort of private secretary to the postmaster, so that the postmaster had special means of forming an accurate opinion of his capacity. I believe that the course I pursued was one which the hon. Gentleman himself would have taken if he had been in my place. There were two or three other cases mentioned in regard to Liverpool, and I can only say that I will make inquiries about them. The facts in connection with the cases of Hegnett and Helsby have not been brought before me, nor have I received any information in regard to that of Miller. I will, however, make inquiries into all of those cases. Then comes the case of the medical officer, but that is a matter which happened when the late Mr. Fawcett was Postmaster General, and I was not in Office. The arrangement which was made in 1882 has since been set aside, and the gentleman who was then appointed medical officer for part of the district is now officiating for the whole district. It is simply a return to the system which was in force before 1882.

Mr. BRADLAUGH: May I be allowed to explain? I did not intend to make any attack upon the right hon. Gentleman at all, but I simply pointed out that in 1882 a large district which had been under one competent medical man was divided into three, because it was considered too large for one officer. On that occasion the postmaster's son was given a large portion of the district, and shortly afterward, when the previous medical officer resigned, the whole of the district was put into the hands of this young man, thus more than doubling the original salary, although his only qualification was that he was the son of the postmaster.

MR. RAIKES: I was not aware that he was the son of the postmaster. All that I know is that what has been done has been to restore the practice which prevailed before 1882, and that one medical officer now controls the whole district. I do not know the facts precisely; but from what has fallen from the hon. Member, I take it that the Mr. Townsend he speaks of was an experienced medical officer, who was probably a man advanced in years, seeing that he soon afterwards resigned the office. It is quite probable that a young, vigorous, and energetic man may be competent to perform duties which may have been too heavy for an older man in 1882. The hon. Member has made a reference to salaries generally, and particularly to the higher and lower salaries. I have a good deal of sympathy with the hon. Member, and I do not deny that I share to a certain degree in the sentiments to which he has given expression. He says that it is desirable to reduce the salaries of those who are at present highly-paid in order to increase the salaries of those who are ill-paid. That is a very natural sentiment; but you have to deal with bargains which have been made with individuals when they first entered the Service, and the existing interests and the expectations of these men must be carefully borne in mind, seeing that they form part of the reward they expected to receive when their salaries were not so good as they are now. I regret the reference made by the hon. Member for Canterbury, who followed the hon. Member for Northampton, to a matter which I had hoped had now passed into oblivion. I do not wish to detain the Committee by going into it again, but I must refer to it, lest it should be assumed that I have any regret to express for the course which I took. I refer to the question of the irregular proceeding which took place in the Post Office shortly after I became Postmaster General, and which I hope all the parties who participated in it have since regretted. I felt bound to vindicate the authority of the Office I have the honour to hold, and having so vindicated it, I have been perfectly satisfied to let the matter rest, and I trust that I shall secure the cordial co-operation and hearty assistance of the very able gentlemen who form the permanent staff of the Department with whom I was on that occasion in temporary conflict. The hon. Member then proceeded to refer to the question of telegraphing Money Orders. That is a matter which I think will be more suitably dealt with when we come to the Telegraph Vote. I will only say that, as far as convenience is concerned, there would be great risk in largely increasing the balances deposited in the hands of provincial postmasters, or in giving them increased credit with the local banks. If the suggestion of the hon. Member were carried out, it would be necessary to enlarge the balances in the hands of the postmasters.

MR. HENNIKER HEATON: I only suggested that the amount of the Money Order Telegrams should be moderate.

MR. RAIKES: I quite admit that there might be a certain amount of convenience in the arrangement; but a much larger sum must necessarily be deposited in the hands of the postmasters, and the danger is not so much the loss to the State as of placing temptations before a large class of the public servants. If the hon. Member knew the great temptations to which the postmasters are exposed now, even in regard to the balances they now have, I think he would hesitate before he determined on increasing the risk. I am, however, quite prepared to consider the matter, which is one worthy of consideration; and, as a matter of fact, I have given to it some consideration since I have been in Office. Hitherto, however, I have been unable to get over the obstacle I have mentioned. Possibly, if there were a great demand for the introduction of the system on the part of the public, some way of getting rid of the difficulty I have pointed out might be found; but up to the present time I have not seen sufficient reason for changing the present system. As to the mail subsidies, I will only point out that the remarks of the hon. Gentleman did not apply to the present Vote. I do not wish to close these observations without making one statement, which I think the Committee will be glad to hear, and it arises out of the last part of the hon. Gentleman's observations. Ever since I came into Office I have done my best to endeavour to bring about some system for re-establishing the pattern post. I found, however, that there were difficulties in the way, and serious objections were raised to the plan. It was said that the Parcel Post ought to meet all the requirements, and I was assured that the system could not be re-established without loss to the Revenue; but I have persevered in the project, because, as I have stated elsewhere, I consider it to be a scandal that it should be possible to send patterns and samples abroad, and then send them back home at a cheaper rate than they can be sent direct from one part of this country to another. Patterns can be sent from abroad for 10 centimes, no portion of which reaches our Revenue, a rate considerably below the cost of postage in England. I am happy to say that within the last few days I have obtained the sanction of the Treasury to the re-establishment of a Pattern Post. Although the details are not settled, as the matter is one of considerable public interest, I think I may not unreasonably give the Committee the outlines of the plan. I do not propose, at all events, at present, to extend it beyond the weight of ½ lb., but I propose that we should establish a graduated scale. The proposed rates are—for patterns less than 4 ozs., 1*d.*; between 4 ozs. and 6 ozs., 1½*d.*; and between 6 ozs. and 8 ozs., 2*d.* I believe this scale will meet the exigencies of the case, and will deal with all samples and patterns correctly and justly described, though it will be necessary to keep a watchful eye against the surreptitious sending of correspondence under the form of patterns. In the first year or two there will probably be some loss of Revenue; but I expect that the loss will be almost inperceptible. I shall be happy to deal with the larger and Imperial questions which have been referred to by the hon. Member for Canterbury when the Packet and Telegraph Votes come on.

Mr. SHAW LEFEVRE (Bradford, Central): Will the samples and patterns go by the Letter or the Parcel Post?

Mr. RAIKES: The present intention is to send them with the letters.

Mr. BRADLAUGH: I wish to put a question to the right hon. Gentleman with regard to the good-conduct badges for the letter carriers. I understand that among a great number of the letter carriers there has been some falling off in the number of good-conduct badges awarded. Now, these badges are highly prized, and bring pecuniary advantages to a very poor class of men. In some districts it is quite clear that when a man who possessed one of these badges has either died or left the Service, the vacant badge has not been given to a letter carrier in the same district. I am informed that that has been specially the case in Hampshire. There are several districts there in which the number of badges is less than it was some time ago. I am not prepared to say that the number has grown less since the time the right hon. Gentleman has been in Office. I am rather inclined to believe that the falling off commenced before he assumed Office; but I know it would be a great consolation to the men to know that their chances of enjoying this distinction are not fewer than they used to be. It is also desirable that some encouragement should be held out to men who have distinguished themselves by their good conduct and honesty that they will receive a reward which will have the effect of making their lives more happy.

Mr. RAIKES: I entirely appreciate the force of the remarks which have been made by the hon. Member. I think it is most desirable to maintain the system of awarding good-conduct badges, and even to extend it. I do not believe, however, that there has been any falling off in the number of good-conduct badges given. Certainly, no diminution of the number has been sanctioned. I think the point to which the hon. Gentleman has called attention is only to be found in the fact that the districts are more extensive than he is aware of, that a certain number of good conduct badges are given for the whole district, and that the districts are of a very considerable size and area—for instance, although a man may have died in Hampshire, it is possible that the badge may have been given to some other letter carrier in Surrey. I will, however, inquire into the matter.

MR. CAVENDISH BENTINCK (Whitehaven): I am sorry to give my right hon. Friend the trouble of having to speak again upon this Vote; but, as a matter of fact, I rose before my right hon. Friend made his answer to the previous observations, in the hope that I might be able to save him the trouble and limit him to one speech on this occasion. Upon this Vote I desire to call attention to a matter which I have constantly had upon the Paper, but which, owing to the unreasonably late hour at which the Post Office Estimates have been discussed, I have found it impossible to place before the Committee, although it is a matter of considerable inconvenience to the country—I refer to the defective mode of collecting letters at various railway stations in the United Kingdom. I have never been able to discover—indeed, it passes the wit of man to discover, why the English public should not have the same facilities in regard to posting letters at railway stations which are enjoyed by the citizens of every large Continental town. At the railway stations in nearly every foreign town—certainly in France and Italy—there are moveable post-boxes which are ready to be emptied on the arrival of a train, and by this means the public have an opportunity of posting their letters without any extra charge up to a few minutes before the arrival of the train. I am sorry to think how many years have elapsed since I first directed the attention of Her Majesty's Government to this subject. It was when Mr. Tilley was Secretary to the Post Office, and he met my representations with the assertion that it was absolutely impossible to carry out this scheme in this country. Nevertheless, the system was introduced by the Postmaster General for France, under the Imperial Government, and a Report was obtained from him showing the way in which the system was worked; and I dare say my right hon. Friend, if he will make inquiries, will find that Report in some pigeon-hole at the Post Office. I think it was when the noble Lord the Member for Rossendale (The Marquess of Hartington) was Postmaster General that a Post Office van was put on, and by the payment of an extra fee letters were allowed to be posted, but only in the travelling vans. What I complain of is that the same advantages should not have been extended to the Post Office boxes at all the railway stations. At present, a very idiotic practice prevails at some of the great stations — such as Rugby, Preston, and Bishopstoke. We find at those stations a pillar-box; but instead of the contents being emptied at the station into the van when the train arrives, the letters are taken from the station to the central office of the town, which may be a mile distant, and there is no advantage whatever in posting a letter there. Then, again, at a certain hour in the evening, even these pillar-boxes are shut up, and the only way of posting a letter is to give a fee to a railway porter employed at the station with instructions to give it to the travelling clerk when the van arrives. In that case you have to trust to the honour of the porter in discharging the duty he has taken upon himself. I have spoken to several of the Post Office officials on the subject privately, but I have never been able to get any reason from them why the foreign system should not be carried out. I think if they would consult with the officials connected with the Continental Post Offices, they would soon ascertain the lines upon which the same plan could be worked satisfactorily in this country. I recollect that on one occasion Mr. Tilley did state an objection —namely, that when a letter was put into a travelling van there was no telling whether it was going up or down the line. The answer to that was that no inconvenience could be sustained, because the sorting clerks who take charge of the letters would put it into the proper train the moment they reached the next railway station. I hope my right hon. Friend will be able to tell the Committee that something my be done in this direction. I believe that upon the South-Western line very great inconvenience is at present experienced, and also in the town which I represent. There is another point to which I also desire to direct the attention of my right hon. Friend, and it is this. As I understand —perhaps I may be wrong—it is not possible to post a letter in a railway train unless there happens to be a travelling clerk or some recognized official person in charge of the van. I have been told that an alteration has been made in that respect lately; but I understand that hitherto the presence of a clerk with a train was a condition precedent to the despatch of a letter by the train carrying the mail. What has happened has been this—the Post Office train which carries the London and Southern mails leaves Whitehaven at 7.30 in the evening; but the letter van is not in the charge of a travelling clerk, but simply in charge of the railway authorities. The Post Office van leaves an hour and a-half earlier, for the convenience of the Post Office, so that all the letters between Whitehaven and Carnforth may be picked up. The consequence is that letters from the town of Whitehaven, with a population of 25,000 people, are not able to be put into the travelling van when it leaves without an extra fee of ½*d.* I will ask my right hon. Friend if he cannot make some arrangement to prevent this inconvenience by employing some trustworthy clerk to take charge of the Post Office van, and also of all letters which may be given to him to deliver at Carnforth? I believe that a similar inconvenience has been experienced on the South Western System. The hon. and gallant Member for South Dorset (Colonel Hambro) will be aware that the morning mail which leaves Waterloo Station at 8.5 takes the whole of the letters despatched in the morning. There is no travelling clerk in charge, and any person who is desirous of sending a letter specially is not able to do so. I hope my right hon. Friend will take the matter seriously into his consideration, and that before he has much longer occupied the Office which he now so worthily administers, he will be able to introduce some satisfactory change in these respects. I can assure my right hon. Friend that the restrictions now imposed often cause the greatest inconvenience, and the people of Whitehaven, whom I represent, fervently hope that they will be done away with.

Mr. HANBURY (Preston): There are one or two points to which I desire to draw attention in connection with this Estimate. In the first place, there is an item in reference to the insurance of public buildings belonging to the Post Office; but I do not see in the Estimate that any regular rule is followed, either in regard to the buildings which belong to the Post Office or to any other Department. In some cases it would appear that they are insured, whereas in others there is no insurance at all, and there certainly appears to be no definite principle adopted. There is an item on page 71 for—

> "Water, fire insurance, tithes, compensation to ministers and parish clerks for loss of emoluments, rent of windows in money order office overlooking graveyard, &c."

I want to know what the principle is which the Post Office Authorities adopt in regard to insurances? There is also another matter. I find from the Customs Report that a good deal of smuggling goes on by means of the Parcel Post. The right hon. Gentleman is about to increase the facilities for the Parcel Post, and I want to know how it is when the Parcel Post system is so much more extensive on the Continent, and the articles on which duty is paid are so much more numerous, that they avoid smuggling, whereas in this country tobacco is the only thing that can be smuggled, and we have it stated in this Report that a good deal of tobacco smuggling is carried on. Then, again, I wish to have some information with reference to the conveyance of mails by coach in this country. I understand that the mails are now being conveyed by the coach running to Brighton, and I wish to know whether the steps which are now taken are really tentative, or whether the change is meant to be permanent. If the conveyance of mails by coach should have the effect of leading to improvement in the roads it must command approval, and I am glad to hear of it; but I desire to know whether in regard to the coach now running to Brighton the experiment shows that it is cheaper to convey the mails by coach rather than by rail, and if there is any idea of carrying out the same plan extensively throughout the country? It is not often that we get an opportunity of discussing the Post Office Vote, and I think my hon. Friend the Member for Canterbury has started a mine in reference to some of the Post Office anomalies, which is very well worth working. Indeed, I hope he will keep pegging away until he gets some of the evils he complains of redressed. Unless he continues to press them upon the attention of the Government day after day and year after year, I am afraid that very little will be done. I do not see how it is possible for the Government to say that the Post Office cannot afford to carry out the reforms and improvements suggested by my hon. Friend the Member for Canterbury. I hold in my hand a Memorial from the Chamber of Commerce in London, which states that there is annually a large surplus provided from the Post Office Department, which, to the extent of about £2,500,000 a-year, is appropriated by the Treasury. I cannot help regarding that surplus of £2,500,000 as a tax upon the commerce of the country, and I cannot believe that the House of Commons will continue much longer to permit this large surplus to be handed over to the Treasury—a surplus which amounts to the return of about 30 per cent on the capital invested—without part of it being spent in affording the public increased postal and telegraph facilities, such as are enjoyed in Germany and other countries, and which would be of great benefit in securing the real federation of the Empire. In every other country in the world surpluses of this kind are appropriated, not to the use of the General Exchequer, but in increasing the postal facilities. We know very well what the facilities are which are given to trade in Germany, and in other countries, but which are not afforded in England. Taking into consideration the tremendous material interests which are concerned in a great commercial country like this, I think it is simply ridiculous to go on appropriating this surplus instead of utilizing it in increasing our postal facilities.

MR. HENNIKER HEATON: I only want to say a word or two by way of explanation in regard to the telegraphing of Money Orders. I want to explain the system in operation in Australia. In the first instance, money order offices were established in connection with the Post Office in those places which stood most in need of them, but the sums remitted in that way were limited to a small amount, not being allowed to exceed £10; but I believe that the amount has since been greatly extended. As to the objections raised by the Postmaster General that the system would be liable to fraud, I am prepared to admit that temptations might occur if large sums of money were placed in the post offices for this purpose; but, as a matter of fact, the postmasters are already in receipt of sufficient sums to enable them to pay the Post Office Orders sent by telegram. What I propose is to establish a similar system in this country to that which exists in Australia, and which the Postmaster General could easily carry out. I am sorry to find that the proposal has not received more encouragement from the right hon. Gentleman the Postmaster General. Long before the right hon. Gentleman came into Office the same answer was given—namely, that the matter is still under consideration. If he is really desirous of testing the matter, let him arrange to introduce money orders first for small amounts at such places as Birmingham, Liverpool, Manchester, Sheffield, Edinburgh, Belfast, and Glasgow. Then, if the experiment is a success, as I have no doubt it would be, he will gain the gratitude of the country. I congratulate the Postmaster General on the information he has given to the Committee that he is about to remove one great scandal which has hitherto existed. I feel certain that if he were not obstructed by the permanent officials of the Department we should have many more reforms of the same kind. I sincerely trust that he will give a favourable consideration to the proposal for establishing a Telegraphic Money Order system.

MR. SHAW LEFEVRE: There was one remark which was made by the hon. Member who has just sat down with which I cannot agree—namely, that the Postmaster General is obstructed in improvements by the permanent officials of the Department. In the first speech delivered by the hon. Member he stated that the Secretary to the Post Office was a man who obstructed all reforms, and that to him rather than the Postmaster General or the Government the failure to carry out the reforms he desires is due. I can only assure the hon. Member that that is not my experience of the Post Office permanent officials. Certainly, my tenure of Office as Postmaster General was not very long; but, before my time, Mr. Fawcett was Postmaster General for some years, and during his tenure of Office more important changes took place in the Post Office Department than probably took place in any other Department. During the whole of that time Mr. Blackwood was Secretary to the Post Office, and I will undertake to say that Mr. Blackwood can in no sense be called an obstructor of any of the reforms which have taken place. Mr. Blackwood, on all occasions, properly pointed out the cost which would be entailed by carrying out the improvements which were suggested. The real obstructors of reforms and improvements are not the permanent officials of the Post Office, but the Treasury. Every reform involves a certain amount of cost, and upon this point the Treasury have to be consulted. The hon. Member for Preston (Mr. Hanbury) has, I think, hit the real blot in the matter when he pointed out that the Treasury have been receiving for some years past a very large income from the Post Office. There can be no question about the fact that the profit derived from the Post Office has been appropriated by the Treasury in the interests, generally, of the Exchequer, and that the income has been gradually increasing. I find, looking back for some years, that in the years 1870-73, the income from the Post Office was £1,470,000; 1874-7, £2,175,000; 1878-81, £2,654,000; and in 1882-6, £2,857,000; showing a steady tendency in the net income to increase. I am not disposed to complain of the Treasury receiving a certain income from the Post Office; but a grave question arises as to whether the Treasury and the Government should insist on appropriating the continually increasing surplus of the Post Office. I think some rule should be laid down that when a definite fixed sum has been derived from the Post Office everything beyond that surplus revenue, in the future, should be spent in carrying out improvements and reforms. I am bound to say in the last two or three years there has been a decrease in the revenue. The highest point was reached in 1883, when there was a surplus of £3,022,000; in 1884 it was £2,610,000; in 1885, £2,647,000; in 1886, £2,987,000; and in 1887, ending the 31st of March last, £2,720,000. This fall, however, was partly due to the expenditure of £300,000 on the purchase of the new Post Office site, which was an abnormal expenditure which will not occur again. As far as I can make out, from the account of the Chancellor of the Exchequer in his Budget Statement, we may expect a surplus revenue of something like £3,000,000 in the coming year; and what I venture to suggest is that there should be a kind of understanding, on the part of the Government, and of the House, as to what is to be in future the average net revenue to be derived from the Post Office, and that beyond that limit the surplus revenue should be devoted towards carrying out improvements and reforms in connection with the Post Office itself. If any such rule as that were laid down, I think that without question it would be possible for the Post Office to effect a number of those smaller reforms which have been pressed upon the Department from time to time without the continued intervention of the Treasury. For my own part, I do not think that it is fair for the Treasury to insist upon appropriating the whole of the surplus revenue of the Post Office. No doubt the Treasury ought to have part, but there should be an understanding as to the point beyond which the appropriation by the Treasury should not go, and that the surplus revenue beyond that should be devoted to reforms. I must again repeat that there has been no obstruction whatever of the nature suggested by the hon. Member for Canterbury, on the part of the permanent officials of the Post Office, and still less from the Secretary, Mr. Blackwood. I was rather surprised that the Postmaster General did not reply to that part of the speech of the hon. Member for Canterbury when he addressed the Committee on the subject. I do not propose to go into the question of the conflict which unfortunately arose between the Postmaster General and the permanent staff. We have here only one side of the question, and when the right hon. Gentleman says that he has re-asserted his authority, I am inclined to think that there may be another side to that question. Certainly it was not a regular proceeding on the part of the clerks of the Department to draw up an address of sympathy with the permanent head of the Department. No doubt the matter did give rise to a great deal of discussion among the Members of the Government; and, if I am rightly informed, there was a compromise entered into by both parties by which the question was settled without coming more prominently before the public. I think I am right in saying that concessions were made on both sides which prevented the controversy from being brought before the public. I am quite content, for my own part, to leave the matter there, and I only wish to say that there is no foundation whatever for the reflection which the hon. Member for Canterbury has passed upon the permanent officials of having obstructed every proposal for the improvement of the postal service. Of course, when a proposal is made it is the duty of the permanent officials to point out what the cost of carrying it out will be, and I think it will be found that those who obstructed and prevented the reforms which have been suggested in connection with the Post Office are not the permanent officials of the Post Office, but the Treasury.

DR. CAMERON (Glasgow, College): I regret that the Postmaster General has not endeavoured to re-arrange the Parcel Post instead of re-introducing the Sample Post. I am afraid that we are getting too many varieties of postage; and if we go on in this direction we shall have a system so complicated that it will be impossible for the public to understand it. There is already one rate for letters, another for parcels, another for books, a fourth for newspapers, and now we are to have a fifth for patterns. If the right hon. Gentleman had carried down the minimum of the Parcel Post a little further, he would have met every object which he has in view, and would have done something to simplify a very complicated tariff, which, I confess, I think might be still further simplified by doing away with the Book Post altogether, and relegating books also to the Parcel Post. With regard to what has been stated in connection with the telegraphic transmissions of Money Orders, I think the reply of the right hon. Gentleman is anything but satisfactory. That system is in operation, not only in Australia, but in most European countries, and no difficulty has been experienced in regard to it. It is, in fact, a great public convenience, and there is no reason why such a proposal should interfere with the banking business. Of course, if the Post Office undertook to transmit large sums of money they would interfere with banking business. But what is proposed would not interfere with banking business, but would simply supplement banking business in the same way as postal and post office orders supplement it. If it were limited to the small amounts of money which are now capable of being transmitted by postal or money orders, it is quite evident that it would require no increase in the balances placed in the hands of the postmasters. The sole result would be that a person remitting a sum of money by telegraph would pay a little extra to the Post Office. The Department would be so much the richer, and the convenience of the public would be served to a greater extent than it now is. I think there is great force in what has been suggested in the course of the discussion as to the gradual introduction of some such system into the Post Office—for instance, if it were adopted simply in London, by enabling an individual to send £5 or £10 by a telegram from the Provinces, it is quite evident that no danger would be incurred. Any amount of money could be sent by telegraph to London, to the great convenience of the general public, without the slightest danger of injuring the service. As to the Parcel Post, I see no reason why it should not be worked with success here as it is already in other countries in Europe. On the Continent, a system exists of collecting the price of the parcels sent out by Parcel Post by tradesmen. If the person to whom the parcel is addressed does not pay, the parcel itself is not delivered. I think the adoption of a similar system would not only be a source of revenue to the Post Office, but that it would give a strong stimulus to the retail trade. I trust that the right hon. Gentleman the Postmaster General will take the opportunity at least of inquiring into what is being done by other countries. If he finds that a pecuniary gain is likely to accrue to the Post Office, I trust he will not hesitate to introduce the same system into this country.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): I wish to say a few words in order to protest against the doctrine laid down by my right hon. Friend opposite (Mr. Shaw Lefevre), that it would be a good arrangement to come to an understanding that any surplus of the Post Office beyond a certain amount should be utilized in Post Office improvements. I am bound to protest against that in the interests of the Revenue, and also in the interests of economy, because I cannot imagine any arrangement more calculated to lead to extravagance than to hand over any surplus to be spent in Post Office improvements. With the permission of the Committee, I should like to make one remark as to the surplus of £3,000,000 derived from the Post Office. That surplus is almost exclusively—I might say is exclusively—derived from the penny postage in Great Britain and Ireland. It is from the letter writers generally in the United Kingdom that the surplus comes. As I understand, there is no other Department that leaves a profit. The Parcel Post may just pay its way; but the telegraphs, we know, result in a considerable loss, while long distance postage is carried on without profit, and in many cases with a loss. The argument used by those who are in favour of cheaper postage with the Colonies and other parts of the world is that the revenue of the Post Office, as a whole—that is to say, the profit derived from the penny postage—should be applied to the advantage of letter writers communicating with other parts of the world as well as to letter writers communicating with different parts of the United Kingdom, instead of, as now, being returned in the shape of remitted taxation to those who employ the penny post. At present, the gain arises from the great bulk of the letters written; not from business, banking, or manufacturers' letters only, but from the mass of the population who write the penny letter. I cannot see why the senders of letters to other parts of the world are more entitled to have a portion of the profit derived from the penny postage than the people who pay the penny. This is a question of equity between the two. The question whether by cheaper postage to other parts of the world—to the Colonies, for instance—we could ultimately increase the revenue, and secure an equally good service, is a matter which ought to be and must be looked at with the greatest anxiety. The matter can be considered in two ways. There is the system which I have mentioned of applying the surplus revenue derived from one portion of the business to another portion; and the other plan is to consider whether the rates in that other portion of the business can be lowered so as to obtain a revenue equal to that of the penny post. Every proposal in that direction that comes from the Post Office would be considered by the Treasury with the greatest desire to promote every possible reform. I am far from deprecating the attention which is now being directed to the question of cheap postage. If there are large reforms possible, let them be made, but do not risk the £3,000,000 earned by the Penny Post in carrying them out. I cannot think that it would be wise to fix a maximum profit, and say that when we have secured it, we may then enter upon speculative improvements in other directions. These improvements ought to be considered quite apart from the questions whether there is a surplus or not. I entreat the Committee to remember the case of the telegraphs. I do not know whether the House thinks that the enormous price paid for the acquisition of the telegraphs was a satisfactory arrangement or not. In consequence of the great pressure put upon the Department by the public and by hon. Members in this House, the cost of telegrams has now been reduced from 1*s.* to 6*d.* It is extremely convenient to be able to send telegrams for 6*d.* instead of 1*s.*; but, it should be remembered that the general taxpayer has now to contribute to the cost of every telegram thus sent out. A large amount of interest was taken in the acquisition of the telegraphs; but, at the present moment, the telegraphs involve the country in a loss of £500,000 a-year. There was exactly the same anxiety with regard to the acquisition of the telegraphs as there is now with regard to ocean postage and other matters, and when I served on the Committee which sat in reference to the telegraphs, I divided the Committee two or three times, for the purpose of protesting against the enormous price paid for the telegraphs, and of showing the loss which would be incurred. Enormous pressure, however, was put on by every commercial centre and by the Press, and in the end an enormous price was paid. Some of us thought that £3,000,000 or £4,000,000 were too much to pay for the acquisition of the telegraphs; but they were acquired under the plea that the country required cheap telegraphy. I can only trust that while the House of Commons looks with a jealous eye upon every part of the Service, in order to insure efficiency and speed, combined with economy, and while it watches the expenditure of the Post Office, it will not stimulate expenditure in every direction and in every branch which is under the control of the Post Office. I can assure the Committee—and I have had some experience of official life — that the public officers are only too glad to make experiments and to attempt reforms which are called for by increasing business. Hon. Members speak of a very considerable profit derived from the Post Office; but that profit is a diminishing profit when looked at with reference to the bulk of the business which is done. At the same time, it is important to remember that the working expenses of the Post Office are gradually increasing. They have increased from 57 per cent to 65 per cent of the receipts during the last five or six years, and that shows that the Post Office business must be watched from the point of view of economy as well as of efficiency. I hope it will not be understood that there is any disposition on the part of the Treasury to discourage improvements in postal and telegraphic communication, as to which the initiative must, of course, rest with the Post Office. It is the wish of the Government to give every facility for improvement, looking to proper economy, and looking also to the fact that the different Services must not be regarded simply as part of a whole, but how far each is remunerative in itself.

MR. SHAW LEFEVRE: I did not express a wish that there should be no surplus Post Office revenue to dispose of, but I pointed out that the surplus paid into the Exchequer has been increasing year by year. Whereas, 10 years ago, it was less than £2,000,000, it has now reached an average of more than £3,000,000 from the postal and telegraphic Services together. On the Telegraphic Service all profit has disappeared during the last three or four years, and I do not think that for some years to come there will be any revenue derived from the Telegraph Service. Yet, from the Postal Service taken alone, there is derived a revenue which is continuously and largely increasing. What I contend is that the Treasury should not expect to continue to derive a large revenue from the postal and telegraph Services together, Without fixing any rigid rule, I think it might be understood, on the part of the Treasury, that when a certain amount of revenue has been derived from the two Services together, then they will consider all questions affecting the surplus revenue in a liberal spirit, and will not expect to derive continuously an increasing revenue. I should be content to take the revenue at about £2,500,000, in the understanding that questions of improvement in the Post Office should be liberally considered by the Treasury, and that as much as possible should be done in improving the Services. The question of the use to be made of any surplus is a different matter. I am not sure that the money could not be better disposed of than in the direction suggested by the hon. Member for Canterbury (Mr. Henniker Heaton). The senders of the letters in this country give the money from which the profit is derived, and their interest ought to be considered in the first instance. There are many ways in which improvement could be effected in the Post Office if only the money were forthcoming. If a surplus were to be derived from the two Services, the Postmaster General would find many ways of spending it in the improvement of the Service so as to promote the public convenience.

MR. ARTHUR O'CONNOR (Donegal, E.): I must say that the statement we have heard from a right hon. Gentleman who has occupied the important position which has been occupied by the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) is a most astonishing one—namely, that he is prepared to throw away every consideration of economy and every precedent which has been previously set in the financial arrangements of the country. I thought as I heard the words which fell from the right hon. Gentleman, what on earth would the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) have said if he could have heard the proposal of the late Postmaster General? The right hon. Gentleman has suggested, in all seriousness, that a certain definite sum should be the maximum revenue to be derived by the Treasury from the Post Office, and that the Postmaster General should then be able to play with the remainder.

MR. SHAW LEFEVRE: I said nothing about playing with it.

MR. ARTHUR O'CONNOR: It would practically amount to that. If any such system were resorted to, one of the immediate results would be that the Post Office officials would feather their nests very rapidly; the whole of the staff would put forward incontrovertible reasons for an increase of pay, and a large portion of what might be derived from the suggested arrangement would never find its way into the Treasury or anywhere else to the benefit of the public service. I am not at all surprised that the right hon. Gentleman the Chancellor of the Exchequer, having already experienced some difficulty in providing the sum fixed for the redemption of the National Debt, should have risen at once to protest against the proposal to fix a limit upon the amount of the Post Office surplus which in future should be handed over to the Treasury. Nothing could be more objectionable than to introduce such a system into a spending or revenue Department. There was another remark which fell from the right hon. Member for Central Bradford which I was sorry to hear. He alluded to the position which the present Postmaster General has found himself obliged to take on the question of promotion. The right hon. Gentleman made use of language which certainly requires explanation. If he is not prepared to go further, he ought not to have said what he did. He endeavoured to make the Committee believe that there had been a considerable amount of difference of opinion on the part of the Government as to the treatment which a particular case had received at the hands of the Postmaster General, and he indicated that the Cabinet had not supported the Postmaster General in the original position he took in reference to the matter—hinting that there had been some kind of give and take arrangement—some compromise which enabled an unpleasant matter to be kept from the public eye, and which resulted in some kind of arrangement by which the *amour propre* of all persons concerned was saved. I was very sorry to hear that statement. A Minister holding the responsible position of Postmaster General ought to be master in his own Department. It appears to me to be perfectly ridiculous to put a Minister into a responsible position like that of Postmaster General and at the same time to tie his hands in regard to the amount of authority he is to possess. Passing on to the Vote itself, I think it is a matter for congratulation that we have now the Post Office Vote brought on for discussion at a time when something like serious criticism can be attempted. I am glad that that is so; but, at the same time, I feel that a Vote of this magnitude can hardly be seriously considered when taken as a whole. It ought to be presented in parts, and there are many precedents for dividing a Vote. Matters, however, have gone so far now that I presume it would be impossible to discuss the present Vote in different parts. It appears to me that the Postmaster General occupies a position midway between the Department and the Treasury itself. He is responsible for the duty of catering for the wants of the public to the best of his power; but he is also responsible for running the Post Office machine on the most economical terms, and for securing the greatest benefit to the Treasury. It does not seem to me that adequate means are taken to secure that the balance available for the Exchequer has been as large as it ought to have been. I do not propose to enter into the new arrangements for extending the Parcel Post or the pattern post; but I am certainly of opinion that the authorities at the Treasury have not endeavoured to improve the machinery of the Post Office as it might have been improved. Anyone who will look carefully through the Estimates will see how the Post Office is in general worked. The Heads of the Department come under sub-head A; the surveyors under sub-head B; the Provisional Establishment under sub-head C, and then there is the Miscellaneous Establishment after that. Of course, I am unable to speak from any personal knowledge, but looking at the matter from an outside point of view, it does occur to me that the Surveyors Department is unnecessarily large, and that much is done by the surveyors which ought not to be done by them at all. A great deal more ought to be given to the head postmasters throughout the Kingdom. As a matter of fact, some of the surveyors do allow the head postmasters to do a great deal of work which in other districts is done by the surveyors and their clerks, and the consequence is that the line of demarcation between the province of surveyor and the province of head postmaster is a varying and uncertain one, with the natural result that a considerable amount of friction and rivalry takes place. Then, again, the work of the head postmasters is most unequally provided for. One head postmaster is employed for nine hours a-day, while another head postmaster cannot get his work done under 17 or 19 hours a-day, whereas the pay is precisely the same. There are, I believe, great inequalities and anomalies, both in the amount of work done, and in the amount of pay received by the head postmasters. Another anomaly is the charge imposed upon the postmaster in reference to the requirements of his office. Why should a head postmaster be called upon to pay out of his own pocket for the fittings of the post office? That is clearly an anomaly and an injustice. In regard to postmasterships themselves—speaking as an individual Member of the House—I would suggest to the Government whether the whole system of political patronage in regard to them might not be got rid of. It is a very great nuisance to every Member of the House to be pestered, whenever a postmastership is vacant in the constituency he represents, with letters asking him to use his influence in obtaining the appointment. The Irish Members are not now much troubled in this respect, as they have systematically refused to have anything to do with any of these appointments whatever, and they decline to approach the Government for any favour of the kind. That is very lucky for us who represent Irish constituencies, and it has saved us a good deal of trouble. I know, however, that English and Scotch Members who have not taken the same course are beset with an enormous number of applications, which are not only embarrassing, but give rise to a great deal of discontent. I think it would be a great advantage to the postmasters themselves if the system were made more just and less uncertain in its operation than it is at present. As to promotion in the Post Office, there is, as a matter of fact, none at all, but absolute stagnation, and the result is that a stronger feeling of injustice and unfairness is produced in the minds of the Post Office *employés* than in any other branch of the Public Service. Then, again, in regard to the men employed under the postmasters, the position of the unfortunate rural letter carriers is an extremely hard one. I believe that the right hon. Gentleman fully sympathizes with them, and I hope that something may be done to improve their position. With regard to the award of good conduct badges, I understood the Postmaster General to say that he intends to take into consideration the possibility of introducing some better system in reference to the distribution and award of these good conduct badges than that which now prevails. When a vacancy arises under the existing rule, it is not the most deserving man who gets the badge, but the man who has the good luck to serve under an energetic postmaster who will fight for the honour. As I have already said, it is impossible, under the way in which this Vote is presented, to deal with all the items contained in it at once in a satisfactory manner; but in order to show that there are plenty of means of reducing the present postal Vote without any undue interference with the efficiency of the Service, I will cite one item. On page 87 there is an item of £8,500 for extra duty pay, and to provide for the commutation of pensions. Now, the business in the Post Office Savings Banks is a growing business, and some years ago great difficulty was experienced in obtaining accommodation for the staff. The consequence was that an enormous building was erected in Queen Victoria Street; but that building was soon found insufficient, and it is so very insufficient now, that out of some 480 clerks employed 383 are absolutely obliged to be accommodated, if I can use such a word, in warehouses hired for the purpose on the other side of the street. I believe that the accommodation at the present moment, even in these extra warehouses, is insufficient for any increase of the staff, and the present staff is altogether inadequate to do the work with advantage. The consequence is that the existing staff have to fall back upon a system of extra attendance, accompanied with extra duty pay, which is a bad system, and one which has been altogether condemned by the highest authorities—among others, by Mr. Blackwood, the Secretary of the Post Office, as long ago as the year 1875. I am afraid that the Postmaster General is unacquainted with the opinion expressed by Mr. Blackwood on that occasion in regard to the system of extra duty pay. Mr. Blackwood, who was a Member of a Committee which took the subject into consideration, reported that the Committee had not dwelt on the important subject of the extra duty pay system as far as might otherwise have been desirable, because it had been found that extra duty in a number of cases was no longer necessary. At the same time the Committee recorded their conviction, in which they asserted that the Treasury agreed, that the performance of extra duty for any length of time was highly inexpedient. I think the Secretary to the Treasury will probably feel an interest in the view then expressed by the Committee, who went on to say in their Report that the arguments against the system were obvious; but as they were so well known, it was unnecessary to repeat them. The performance of extra duty arose from the insufficiency of the force in the Savings Bank Department; but the extra duty itself pressed very heavily upon the officers, and the Committee expressed their opinion that it prejudicially affected the satisfactory performance of the work. It was found, however, that extra duty continued to be necessary at certain periods of the year; but the Committee pointed out that it was desirable to regulate the principles upon which it should be undertaken, so that in future it might not interfere with the efficiency of the Department. The Report went at considerable length into details with which I will not trouble the Committee; but speaking of the accommodation which the unfortunate members of the staff have to put up with, the Committee called attention to the fact that the work had to be performed in a vitiated atmosphere much overcrowded, and in rooms badly ventilated, in addition to which it was performed at night, when a large number of gas burners were lighted. Such a system, I maintain, is altogether censurable, and the Committee in their Report state distinctly that the accommodation of the Post Office Savings Bank ought to be such as to guard against the performance of work under such extreme pressure, owing to the insufficiency of the establishment. No stronger opinions were ever placed on Record by a Departmental Committee, and I fail to see why the Postmaster General did not consider it his duty to attach a little more weight to the Report of that Committee. We have now in the Department something like 250 men belonging to what is called the "Lower Division," who are employed for only six hours a-day; whereas the clerks in the Lower Division of other departments of the Civil Service work for seven hours a-day. After the six hours' labour is over you are obliged to continue these men beyond their stipulated period and to give them extra duty pay for the extra time they are employed; but what could be more easy than to carry out the plan which the Treasury adopt in reference to all other Departments, and to make the hours of the men seven per day instead of six. That would, I believe, render extra duty unnecessary, and there would be no actual injustice done to the men; because with six hours' labour a man commences at a salary of £80 a-year, going up to a maximum of £200; whereas, if he is employed for seven hours, he commences at £95 and goes up to a maximum of £250. The Post Office would, therefore, be able to save this item of £8,500 for extra pay which I have referred to and would get rid of the anomaly which now exists in the Service. Until the year 1884 I think it was understood by the clerks generally that the Treasury would refuse to allow any claim to choice on the part of those who were passed into the Lower Division after that date. I believe it was a question of the interpretation of the Order in Council which was issued in 1876. Before the year I have mentioned—namely, 1884, the Civil Service Commissioners were accustomed to send a successful candidate without any choice on his own part into the different Departments, and the consequence was that a man who passed very high found himself relegated to six hours' labour a day with a less amount of pay; whereas a much inferior man might be relegated to seven hours' office work with much better pay. Now, Sir, I think the Postmaster General and the Financial Secretary to the Treasury will see in what I have pointed out the means of effecting some economy. I instance this merely as a sample of what may be done by careful administration at headquarters. I am afraid the Treasury, as at present constituted —I make no personal reflection upon the hon. Gentleman (Mr. Jackson)—I am afraid the Treasury Office is not competent to look after the Civil Service of the country. Every official of the Treasury seems to have his own particular work to do, and no one seems to have, as part of his work to look after, what I may call the engineering part of the Civil Service. Until you have some one in the position, say of Chief Engineer, you will never have the reforms necessary carried out. I mention this to show that Members of the present Government will be able to judge whether some reforms may not easily be carried out, if they will only have regard to matters of detail. I do not know whether the present Postmaster General has ever had this matter brought before him; perhaps he has not. If he has not, I shall be content if he will promise to have the matter investigated, and to thoroughly look into it for himself, and not trust to the report of any subordinate, who, possibly, in the past, may have committed himself to an hostile attitude, by refusing assent to representations which may have been made.

Dr. CAMERON (Glasgow, College): I think my hon. Friend (Mr. Arthur O'Connor) must have entirely misunderstood the remarks of the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre). What I understood my right hon. Friend to do was to protest against the action of the Treasury in demanding that a constantly increasing surplus revenue of the Post Office should be maintained for the benefit of the Exchequer. My right hon. Friend pointed out that during the last 10 years, for example, the free revenue of the Postal Services, including Telegraphs, had mounted from £2,200,000 to £2,750,000, and he also pointed out that last year, had it not been for some enormous capital expenditure, the free surplus revenue would have been £3,000,000. He asked, very justly, how much further the Post Office was to be expected to increase its revenue for the benefit of the Treasury and not for the convenience of the public? I sympathise with the right hon. Gentleman's views. It happened that some years ago I moved, in connection with the Telegraph Service, a Resolution in this House to the effect that it was inexpedient to insist upon an increase of the free revenue from telegrams; and that that was equivalent to taxation on the transmission of telegraph messages; and that, instead of insisting upon that taxation, the price of telegraphic messages should be reduced. Now, the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen), in the course of his remarks, illustrated what he had to say about the postal revenue by reference to the Telegraph Service and to the Packet Service. I am aware both these are included in another Vote, and, therefore, I will not dwell upon them. I will merely point out to the right hon. Gentleman that the increasing revenue referred to by my right hon. Friend was much greater than appears on the Paper. In the last few years enormous expenditure has been made on capital account, which has only increased the public property of the nation. There were between £300,000 and £400,000 expended for the plant required for the Parcel Post; £500,000 was expended in new plant to meet the increasing business resulting from the introduction of the 6*d.* telegrams; and last year close on £400,000 was expended on Post Office sites. It appears to me that all this expenditure rendered the country so much richer in public property, and indicated a still greater increase in the postal revenue than appears from the figures. I have always protested against the system of book-keeping on which we are called upon to judge of the results of the Postal Services. You find £300,000 or £400,000 expended on capital account—expended in the most wise and judicious manner on capital account—but because that expenditure has taken place, the Chancellor of the Exchequer comes down the following year and says, look what a falling off there has been in the postal revenue. If any business man conducted his business in that way the world would characterize him as no financier at all. The right hon. Gentleman the Chancellor of the Exchequer spoke of the telegraph business. I am not here to defend the original purchase of the telegraphs. I know the right hon. Gentleman protested against the price paid, and I know also that the late Mr. Fawcett proposed that £4,000,000 or £5,000,000 sterling should be written off, and that we should no longer charge interest upon that amount upon the Telegraph Department; that in fact this amount of money should be considered as a bad debt. But, since the telegraphs have been acquired, it is not at all certain that they have been such a bad business as the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) appears to believe. I was a Member of a Committee which inquired into the matter. The Post Office officials came before us, and they presented to us what they called a commercial balance sheet which showed a totally different result from the uncommercial balance sheets which are presented to this House. The balance sheet laid before us showed a distinct profit after the payment of all interest on the debt incurred in connection with the purchase of the telegraphs, and it was in connection with the surplus shown that I moved the Resolution protesting against further taxation on telegraphs, and proposing that the free revenue should be applied to increasing the facilities given to the public. The right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone), who was present in the House on that occasion, did not vote for my Resolution—Governments do not like increased expenditure—but he did not protest against the doctrine I laid down, as the right hon. Gentleman the present Chancellor of the Exchequer (Mr. Goschen) appears to imagine. Now, I think my right hon. Friend the Member for Central Bradford (Mr. Shaw Lefevre) made his position perfectly clear. He did not suggest that we should fix a distinct sum, and say that beyond that sum the Post Office shall not earn money; what he suggested was that we should have some general understanding that it must not be expected that the free revenue to go to the Chancellor of the Exchequer should double itself every 10 or 20 years. He was most explicit in laying down the doctrine that Treasury sanction is desirable in connection with any Post Office experiment, and I protest against the tone of the right hon. Gentleman the Chancellor of the Exchequer in inveighing against these experiments as likely to cause expenditure. The experiments advocated would cause no expense at all; the introduction of telegraphic money orders would not involve a sixpence of capital outlay.

Mr. GOSCHEN: I beg the hon. Gentleman's pardon. I thought I laid it down distinctly that there were experiments which I thought ought to be made. I do not wish to be understood to protest against all the experiments suggested. What I do protest against is the doctrine that because we have a surplus revenue, we ought therefore to carry out experiments.

Dr. CAMERON: I have no doubt I misunderstood what the right hon. Gentleman meant; I am very glad to hear the explanation of his meaning; because I think that the suggestions that have been made to-night in regard to Inland administration, at all events, both as to the telegraphic remission of money and as to the collection of charges in connection with parcels delivery by Parcel Post have this important peculiarity to recommend them — that they would not involve the outlay of one single sixpence; they would only bring in additional business to the staff which is already in existence without any extra expenditure. I thought it right, as the doctrine laid down by my right hon. Friend (Mr. Shaw Lefevre) had been misunderstood, to say so much in explanation of what appeared to me to be his meaning. As to the present amount of Treasury sanction being sufficient to cut down or prevent expenditure for increases of salary, we all know the late Mr. Fawcett was constantly telling us that he had been obliged to raise the salaries of the telegraphic operators; the increases, of course, were made with Treasury sanction.

Mr. HENNIKER HEATON: Mr. Courtney, I should like to refer to the statement made by the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen), that the whole of the profits are derived from letters within the United Kingdom. I think he has been misinformed in the case of the American mails. The total expenditure this year upon the American Mail Service will be £80,000; but the income derived will amount to £212,000. There are some other expenses in connection with these mails, but there is an ample margin—a profit is made on the American mails of over £100,000 a-year. I think the right hon. Gentleman will see he is mistaken in the statement that all the profit is derived from home letters. But, there is a larger source of profit still. We send millions of letters every year to the Continent. We charge 2½*d.* for every letter, say to Paris; while we only charge 1*d.* for a letter to Dublin. It would pay very well to have a 1*d.*

postage from here to Paris. I contend that by the Continental Service a large profit is made, and that, in this particular also, the statement of the right hon. Gentleman the Chancellor of the Exchequer is quite erroneous. While not desirous of entering now upon the Packet Service question, I understand that £85,000 is the cost of the Australian Service; while the Post Office revenue from this service is £121,000. There are other instances which would go to prove that all the profit made in connection with the Post Office Services is not made in the United Kingdom. It is quite true that the Postmaster General is the milch cow of the Chancellor of the Exchequer; but the Chancellor of the Exchequer could not have remembered, when he spoke so strongly against the remarks of the late Postmaster General as to the application of the surplus revenue over, say, the amount received last year, to the cheapening and facilitation of the Postal Services generally, that his own Postmaster General made a very similar statement in December last to a deputation which waited upon him. These facts should be borne in mind, because they show that Postmaster Generals agree that it is a sound doctrine that no more than the sum made last year should be taken by the Chancellor of the Exchequer, and that, in future, the sum above £3,000,000 made last year ought to be applied to extending, cheapening and facilitating the postal work of the country. The only other point I desire to call the attention of the Chancellor of the Exchequer to is this: He has repeatedly pressed on this House the fact that there is a decreasing revenue from the Post Office, but he has not informed the House that there is an enormous increase in the receipts of the Post Office. In 1841 the receipts of the Post Office were only £1,324,000; in 1851 they were £2,277,000, and in 1886 they rose to £8,150,000. There has been no decrease whatever in the receipts of the Post Office, but, on the contrary, the Post Office has yielded in absolute receipts for postal work done a yearly increase of £200,000. I also agree with hon. Members who say the Post Office accounts are kept in such a disgraceful manner that no business man would tolerate them for a day. The admissions in the Parliamentary Papers which have been presented at my instance fully establish this fact. I will, however, reserve any further remarks I have to make until the Vote for the Packet Service comes on.

MR. J. O'CONNOR (Tipperary, S.): Mr. Courtney, I regret to be obliged to draw the attention of the Postmaster General and the Committee to grievances affecting the head postmasters in Ireland. These grievances are, however, of great concern to the head postmasters, and therefore I trust my observations will receive some consideration by the Postmaster General. My hon. Friend the Member for East Donegal (Mr. Arthur O'Connor) alluded in the course of his able criticism of the Vote to the grievances of head postmasters in general; but I wish to call the attention of the Postmaster General to the fact that the head postmasters of Ireland are paid about 20 per cent less than the head postmasters in England, Scotland, and Wales. Why that should be so has never been made clear to us. It appears to us, from our investigations here upon all the Estimates which come before this Committee, that the public servants in the employment of the Government in Ireland are treated not only with exceptional severity, but with an unfairness which is scarcely creditable to the administration Departments. Not only are the head postmasters in Ireland paid 20 per cent less than people in a similar position in England and Scotland, but they labour under the disadvantage of being permanently installed in there present offices. They complain that, unlike the public servants in the other Departments in the Inland Revenue, they are not moved about from place to place, and do not get the advantages of removal which servants in the other Departments have from time to time placed at their disposal. Not only are they debarred from improvement by their non-removal, but actually the best offices in Ireland have been from some unaccountable reason shut off from the head postmasters in Ireland. I allude to the four best offices, those at Belfast, Cork, Londonderry, and Limerick. I have taken the trouble to ascertain what the salaries of the occupants of these four offices in Ireland are. I find that the head postmaster at Belfast receives £645 a-year; the head postmaster at Cork £550 a-year; the head postmaster at Limerick £440 a-year, and the head postmaster at Londonderry £380 a-year. Now, those are very fair salaries, and when we come to compare them with some of the salaries paid to postmasters elsewhere, we find that promotion to one of these offices is a matter of very considerable moment indeed. I will take some of the best, not the very lowest, offices elsewhere. At Carlow the head postmaster receives £135 a-year; at Carrickshannon the head postmaster is paid £120 a-year; at Cashel the head postmaster is paid £107 a-year; at Coleraine the head postmaster receives £135 a-year, and at Dundalk the head postmaster gets £174 a-year. I consider it a very grievous injustice that the head postmasters of Ireland should be shut out from the very desirable promotion to Belfast and the other chief towns I have named. The result has been, as my hon. Friend the Member for East Donegal very aptly stated, a stagnation of promotion in this particular Department. Why that should be so has never been made clear to me or to hon. Members who have considered this matter from time to time. I shall not dwell upon that branch of the subject to which the hon. Member for East Donegal referred—namely, promotion by political patronage. That has been a great grievance, not only in Ireland, but in England, Scotland, and Wales. We, in Ireland, have got rid of it—I will not say to the advantage of our friends—by simply declining to put ourselves under any compliment whatever, either to a Liberal or a Conservative Government. We have relieved ourselves of any obligation in the matter, and we have done so upon a principle which can be easily understood by Members of both sides of the House. I can quite understand that it is a matter of very serious consideration and grievous moment to hon. Members of this House to be pestered continually in respect to the bestowal of patronage. There is another matter respecting head postmasters which I wish to call the attention of the Postmaster General to. It is the manner in which head postmasters are paid. They are paid by a fixed salary. They ask that there shall be a minimum and a maximum, and an annual increment, as is the case in regard to every other official in the postal Department. If there were a minimum and a maximum, the head postmasters would be relieved of the necessity of occasionally appealing to perhaps an unsympathetic surveyor to take up their case, and represent it to the Postmaster General. Very often postmasters have to depend upon these surveyors, who may or may not bring under the notice of the superiors of the Department a deserving case. A surveyor may be influenced by one motive or another; he may have a grudge against a particular postmaster, and a deserving man may be kept in the background owing to the shortcomings of a surveyor. There is another matter. The head postmasters ask to be allowed to conduct the affairs of their own respective districts rather than the surveyors, who are now asked to interfere in the most trivial matters. I think head postmasters would be able to get work done very much better than surveyors, who only pay cursory visits to the district, and who are not at all acquainted with the particular matters into which they are asked to investigate. Then, again, I complain altogether of the manner in which surveyors' clerks and inspectors are appointed. It has now amounted to a custom to appoint young men from the London office as surveyors' clerks and inspectors. It is an obnoxious thing to have a young clerk from the London office promoted over the head of older officials. It often happens that the conduct of these young men is overbearing in the highest degree. These young men are placed over men whose service is of twice the length, and who have more experience of the office, and of the requirements of the office, but who are still, at the same time, obliged to submit not only to the inexperience of these young men, but to their arrogance and overbearing manners. Why should you not promote head postmasters to the position of surveyors' clerks and inspectors? It nearly always happens that the inspector of a bank has at some portion of his career been a bank manager. I say the same principle may be made to apply to the service of the Post Office, that the head-postmaster, if he showed the capacity, might be made an inspector to the advantage generally of the Post Office system. And by making these promotions, men will look forward to them as a reward for their services, and they will act as an inducement to a better class of men to join the service. Now, Sir, these are the few remarks concerning the head postmasters to which I desire to draw the attention of the Postmaster General. I will now trouble him for a very few moments by asking him a question concerning another branch of the Postal Service. I drew his attention on a former occasion, both by question and speech in this House, to the position of postmen in Cork. I wanted to know then, and I ask him now, what has been the result of his inquiry. I desire to know why these men are not eligible for promotion to the position of letter sorters, and for positions of a higher grade as they are elsewhere than in Cork? Then again, in Cork, when sick, they get only half pay; while in Dublin a married man who is sick receives full pay, and an unmarried man who is sick gets three-quarter's pay. The grievance of these public servants at Cork is all the greater, because their pay is 25 per cent less than that of men who serve in like positions elsewhere. Now, these are the grievances which I drew the attention of the Postmaster General to on a past occasion, and he then promised inquiry. I should be very glad to get some information on the point. Of course, if he cannot now, without notice, recall all he has done in the matter, I should be very pleased if he would say that he will give me the information at some future time. I trust he will consider these matters of sufficient moment to give them his consideration.

MR. LABOUCHERE (Northampton): Mr. Courtney, there are only one or two points to which I desire to refer. One is respecting the patronage to sub-postmasterships. Everyone knows what a nuisance it is to receive letters from the Treasury asking Members to recommend a man to some sub-postmastership. Upon receipt of such a letter an hon. Member writes down to someone in his constituency to recommend a person for the office. Altogether, Members are put to a great deal of trouble, and there is not the slightest reason why this relict of the past, this system of giving patronage to Members of Parliament in order, it is supposed, to influence constituents to the advantage of Members should continue, and I really suggest that the system be done away with. It seems to me that the best person to apply to in these cases is the local postmaster. He is able to give a reasonable, common-sense answer to the question asked, what person is best fitted for the vacant office? Generally it is someone who has got a shop in some central position, and it is a perfect nuisance for Members to be pestered in the matter. It is part of the old system of Members being corrupted by the Treasury, and of Members attempting to corrupt their constituents. I find it a nuisance, and my constituents do not require to be corrupted. The next point to which I want to call the attention of the Postmaster General, refers to postcards. Every Postmaster General is anxious to distinguish himself by doing something to the public advantage, and I submit to the right hon. Gentleman (Mr. Raikes) that he would distinguish himself if he would adopt in England the penny closed postcards, such as exist in France. Many people do not care about using our halfpenny postcards, because they are open. If postcards could be closed, and a penny charged for them, it would simplify correspondence very much. I believe that the French postcard is a patent, but of course arrangements could be made for the use of similar cards in this country. If they were issued at a penny each I believe the Post Office would gain very considerably; but, whether they would or not, the public would find them of great convenience. There is another point I should like to call attention to, and it is in reference to the telegraphs. There is at present, as the right hon. Gentleman is aware, a telegraphic cable between France and England——

THE CHAIRMAN: Telegraphs are not included in this Vote.

MR. LABOUCHERE: I thought we were dealing with the whole of the Vote. I will reserve my remarks upon the point, and upon one or two other matters connected with the telegraphs, until we get to the Vote.

DR. CLARK (Caithness): Before the right hon. Gentleman the Postmaster General replies, I should like to call his attention to two matters in reference to the service of mails to the North. The first point is in reference to the mails between the Western Islands and the mainland. At the present time, if you post a letter, say, on a Monday, at Stornoway, that letter will not be delivered in Caithness until Thursday, although the distance is less than 100 miles. The reason is, that the mail train arrives at Dingwall at half-past 1, while the mail train for the North leaves at a quarter to 12. The consequence is that letters are detained for 24 hours in Dingwall. For the last 18 months we have lost an entire day because the mail train arrives at Dingwall 43 minutes after the train from the south comes up. Now, there is another matter to which I think I have only to call the attention of the right hon. Gentleman to have it remedied. It is in reference to the South mails. We, practically, in the whole North of Scotland—north of the Caledonian Canal—have only one mail per day. There are two mails ostensibly, but one mail leaves here at 10 o'clock in the morning, and the letters carried by it are only delivered in Caithness one hour before the letters leaving by the mail at 8 o'clock at night. The mail leaving London at 8 o'clock at night gets to Caithness at 6 o'clock the next night; while the mail leaving at 10 o'clock in the morning only arrives at 5 o'clock the next afternoon. The morning mail really takes 9 hours longer to do the journey than the evening mail. The right hon. Gentleman will no doubt say that this is a question of expense. I admit it is; but in certain districts in the North, where you have nothing like the same amount of correspondence, you really pay more for it. I trust the right hon. Gentleman will consider the matter, and that, if he is only going to spend a certain amount of money in Scotland, he will see that it is fairly spent among the various districts.

Mr. MOLLOY (King's Co., Birr): I want to ask the Postmaster General to give us some assistance in a matter in respect of which an industry has suffered a great deal of late years. An inquiry was fixed before the Fishery Commission at Hove into the statements which had been made that the fishery people of Ireland had been deceived by false telegrams, telegrams sent for the sole purpose of imparting false information to fishermen along the coast as to the whereabouts of fish in order that the senders might ring the market. At the inquiry which was held at Hove about the middle of last year, the sending of these false telegrams was proved to the hilt, and the recommendation was then made that the Postmaster General should be applied to in the matter. The application was a very simple one, it was that the Postmaster General should arrange for reliable telegrams to be sent to the fishery districts of Ireland, in order that the false telegrams, which are sent for the purpose of deceiving men and ringing the market, should not have the effect which they have now had for a considerable time. The Postmaster General has undertaken the despatch of storm signals, and I think he might very properly do something in the direction I have indicated. Of course, the Postmaster General cannot prevent anyone sending false telegrams as long as they are paid for; but he can prevent the evil which is done by acting officially in the matter, and by having telegrams of a reliable character sent to the different fishery neighbourhoods of Ireland so as to prevent a recurrence of the evil.

Mr. TAPLING (Leicestershire, Harborough): I have only one remark to make. I should like to ask the Postmaster General whether his attention has been called to the great facilities the residents of Paris enjoy by means of what is called the pneumatic post. By that post anyone living in Paris can write a short letter, despatch it by this post, and receive an answer to it in the course of a half hour. I am sure no hon. Member of this House who has ever been in Paris can have failed to have been struck by the great facility this post affords to people. I desire to ask the right hon. Gentleman whether he will consider if it is possible to institute something of the same kind in London, because I am fully persuaded that the people of the Metropolis would find it an enormous convenience if they had some such means of communication.

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): I must ask the indulgence of the Committee in dealing with the multifarious points which have been raised in the course of the discussion. I will endeavour to do my best to notice the various matters which have been raised, although I cannot undertake to deal with them at the length they may deserve. My right hon. and learned Friend the Member for Whitehaven (Mr. Cavendish Bentinck) was the first Member to rise since I sat down, and he called the attention of the Committee to the question of post boxes at railway stations, and also to the question of pillar boxes. There is no doubt an apparent grievance in the system of requiring that the letters posted at pillar boxes at stations should be sorted at the head Post Office of the town, as that, of course, deprives the travelling public of some time for posting before the train leaves. I dare say there are good reasons why this system has hitherto endured; but I will look into the matter, and see whether any arrangement can be made to facilitate the transfer of letters directly from the station pillar boxes to the travelling vans. Then my right hon. and learned Friend went on to deal with a question which is perhaps more distinctly local, inasmuch as it has reference to the mails from Whitehaven to the South. I understood him to say that the mail bags leave Whitehaven at a quarter past 6, although the fast train which is to convey them ultimately to London does not go till half-past 7.

MR. CAVENDISH BENTINCK: I merely referred to that as an instance. My point was this, that, where the mail bags are not in charge of a travelling clerk of the Post Office, letters are not received. That is to say, when the mail bags are in charge of the guard or of some other railway official, letters are not received.

MR. RAIKES: At first sight, it would seem not unreasonable, at all events in the case of places of some importance, that the guard might be allowed to carry a supplementary bag. That is a matter again on which I can only promise inquiry; it is not a matter to which my attention has been previously drawn, and I should be glad if what is suggested can be found practicable. Then the hon. Member for Preston (Mr. Hanbury) asked a question about the charge for insurance. He commented very naturally upon the very small charge which appears for water, and many other things connected with the Department in London, and which includes insurance. My hon. Friend is perhaps not aware that the Government is its own insurance office. It is possible, in fact it is no doubt the case, that some small payments are made in London in respect of insurances where the Government is not the freeholder, but holds premises on lease; it is quite probable that the lease may contain a covenant for insurance. That may account for the very small amount of insurance which is charged for. Then my hon. Friend mentioned the question of smuggling by means of the Parcel Post. I heard last year one or two complaints in regard to the smuggling of tobacco in the Parcel Post. There has been no doubt from time to time mention made of it by the officials of the Inland Revenue; but I am not aware that there is anything the Post Office could do to prevent the practice. It is rather a matter for the Inland Revenue than for ourselves, and I think it is a matter to which the best attention of the Inland Revenue is at present given, and as far as I can judge the complaints made have become fewer in number in the course of the last few months. Then my hon. Friend asked a question in regard to the sending of mails by coaches, and I think a certain amount of public interest has been raised by the introduction of the parcels coach between London and Brighton. That is an experiment, and it is an experiment which at present has been sanctioned by the Treasury only for one year. We made the contract only for one year. The coach, as hon. Members are probably aware, is really a parcels van, and is confined to the carrying of parcels. It leaves London about 11 o'clock at night, and it reaches Brighton about 5 o'clock in the morning; it makes the journey, I believe, in six hours. It is thought that in distances of this description it may be found possible to effect considerable economy by the establishment of these coaches. It will not probably be applicable to longer distances. But the Committee is no doubt aware that under the Acts which establish the Parcel Post, a certain percentage of the postage is paid by the Government to the railways which convey the parcels. It amounts to 55 per cent of the entire amount received for postage, and certain experts of the Post Office have satisfied themselves that we can convey our own parcels by road from London to Brighton at a less cost than that represented by 55 per cent of the postage. That being so, it was thought desirable to make an experiment, and to see whether the result corresponded with the expectations of these experienced officers. I have very little reason to doubt that the result will be satisfactory from a commercial point of view, and if we find that the parcels mail is conveyed safely, regularly, and economically, it will probably be found practicable to extend the system in other parts of the country; but it will only be extended where the distance to be travelled is not a very great one. For instance, I am afraid that the hon. Member for Caithness (Dr. Clark) cannot look for any great assistance in this direction. Now my hon. Friend the Member for Preston asked a very natural question about trip allowances. The name is an old one, it has been always on the Estimates; it is rather a misleading one, for it seems to suggest something to do with holidays. On the contrary, these trip allowances are sums paid for extra duties to those officers of the Post Office who conduct the sorting operations in the travelling vans, and it is done entirely, or almost entirely, as a matter of extra duty. This is the explanation of the £24,000, or thereabouts, for trip allowances. Then the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) made a speech on the subject of the surplus revenue of the Post Office, upon which I do not think it will be necessary for me to offer any observations, especially after the reply of my right hon. Friend the Chancellor of the Exchequer (Mr. Goschen). There is one part of his speech, however, which I hope he will forgive me for saying that I had much rather he had not made. I think it is a pity that one who has held the position of head of a Department should make observations as to the internal arrangements of the Department in the form of insinuations and innuendos. I think that if he has any complaints to make, he should make a categorical statement of the case; it is unfortunate that the statement which the right hon. Gentleman made should be couched in the language which he used. I can only say in regard to the matter which the right hon. Gentleman thought fit to bring up, that I have nothing to add to what I said earlier in the evening in regard to the services of the Secretary to the Post Office. I trust I shall never be suspected of depreciating the services of the Secretary to the Post Office; indeed, I am so fully sensible of the valuable assistance rendered by the permanent officials of the Department that I cannot think I am open to any taunt of the description the right hon. Gentleman levelled at them. Well, now, the hon. Member for the College Division of Glasgow (Dr. Cameron) has made one or two speeches, and among others he has made a speech to explain the speech of the right hon. Gentleman the Member for Central Bradford. But I will confine myself to his own original matter. He was rather sorry that we had determined to re-establish the Samples Post, and thought that the solution of the matter was rather to be found in reducing the size of parcels. Well, I do not think he would find the public to agree with him on that point. The cry is certainly for greater convenience for sending small samples or patterns. It would be impossible to bring the Parcel Post down to a point at which it would touch the Letter Post. If you were to create a new parcels rate for everything above the size that is commonly sent by Letter Post you would create enormous confusion, and probably reduce our whole postal system to something like chaos. We prefer the simpler and less presumptuous attempt which we are making to endeavour to re-establish the Pattern Post, and I am convinced that it will be found extremely useful and convenient to the public, while I trust it will not be unremunerative to the revenue. Then the hon. Member dwelt upon the question of sending money orders by telegraph, and so also did the hon. Member for Canterbury (Mr. Henniker Heaton). I have said what I have to say upon the point, but I am quite willing to add this much, that I think there is something worthy of consideration in the suggestion of the hon. Member for Canterbury as to whether we might make an experiment, and after consideration with my advisers, I will say whether a system can be devised by which an experiment can be made. Then the hon. Member (Dr. Cameron) went on to dwell upon the increasing revenue of the Post Office. Upon that he harped for some time. It is very undesirable that a mistaken idea on this subject should go abroad. It is, of course, a fact that the gross revenue of the Post Office has continued to increase; but it is also a fact that the cost of the service has increased in a greater ratio. Although the figures given by the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) are no doubt correct up to the point at which he left off, I am afraid that if I were in a position to state positively the figures for the last few years, they would show a very decided falling off in the profits of the Post Office. As far as I calculate, the amount paid by the Post Office into the Exchequer for postal and packet service amounted last year to something under £2,400,000, and it fell short of the sum paid the preceding year by more than £300,000; therefore, it certainly is misleading the public to speak of the increasing revenue of the Post Office, when, although the gross revenue has increased, the actual surplus has diminished.

Mr. SHAW LEFEVRE: Was that irrespective of the expenditure upon Post Office sites?

Mr. RAIKES: No, of course it was not; but that was not the last demand to be made for Post Office sites. The demand last year was a large one, and I trust the demand this year will be very much less. Irrespective of the expenditure on Post Office sites, if my expectation is carried out, I hope to see a larger surplus paid this year than last; but these matters do not affect the question as to whether the surplus of the Post Office did or did not decline last year. As I have already said, the surplus paid into the Exchequer last year fell short of the surplus of the preceding year by something more than £300,000. Then if you come to the question of the income which is derived from the sister Service, the Telegraphs—I merely connect it with the question of the gross revenue of the Services—it is necessary to bear in mind that the decline in the finances of the Telegraph Department, which commenced about four years ago, has continued steadily to increase. If we take the time seven years ago, before the late Mr. Fawcett commenced the various reforms with which his name is identified, I find that in the year 1880 there was almost an equilibrium in the finances of the Telegraph Department. If you take the interest at £326,000 a-year, which represents the interest on the capital sum expended on the purchase of the telegraphs, the profit earned in that year was £313,000, so it only fell short of the annual charge for interest by about £13,000. But I find that in the past year, in addition to the £326,000, the annual charge for interest, there was a deficit upon our telegraphic revenue of between £220,000 and £230,000, so that last year the Telegraph Department must be regarded as having cost the country about £550,000, which is paid by the taxpayers in order to assist the senders of telegrams. And when you are taking the revenue of the Post Office, you must deduct that sum of £550,000 from the surplus earned by the Post Office itself—something like £2,400,000. So your entire surplus from the Post Office, instead of being £3,000,000, is something less than £2,000,000. The surplus necessarily rests upon the receipts of the purely Postal Department. I may repeat what was said by my right hon. Friend the Chancellor of the Exchequer (Mr. Goschen)—that the income of the Post Office finds its sheet anchor in the 1*d*. postage. There is, no doubt, as pointed out by the hon. Member for Canterbury (Mr. Henniker Heaton), a profit also upon the postage to foreign countries where the Postal Union prevails; but that is as a bagatelle when compared with the revenue earned by the 1*d*. postage. In regard to the other points to which the hon. Member for Canterbury adverted, it seems to be very difficult to make him accept the fact that we do not believe that the American mails result in any profit whatever to the Department. We have to pay the charges of the mails conveyed from London to Queenstown—no small sum—and we have also to pay the charges of bringing the mails from Queenstown to London; and while we have to charge this outgoing service from London to Queenstown against the revenue which we derive by sending our letters to America, the reverse process of bringing the mails from Queenstown to London is to be charged against the service from which we derive no revenue at all. The American Post Office, of course, receives all the profit of the postal business from America to this country. Putting all these things together, I hope there will be a surplus; but it will not be a large one; it will not be one about which much question can be made. Then came the question raised by the hon. Member for East Donegal (Mr. Arthur O'Connor). The hon. Gentleman has taken up the question of postmasters generally, and he has pointed to what I think are various changes that may very well be considered in connection with the position of these officers. I quite agree with him that it seems a very great hardship that a public servant taking up an important public charge should be put to great expense in the way of fitting up his office, and to that initial charge I think may be traced several painful cases of deficiency on the part of postmasters. The irregularities of some of these postmasters may be traced to the fact that they have been saddled with a debt incurred by the necessity of fitting up their offices, from which difficulty they have never been able subsequently to extricate themselves. Though the system is not a good one, I am afraid it would be a very difficult thing to persuade the Treasury to incur the expenditure which would be necessary to provide post office fitttings in the case of every country postmaster. If, however, I hold Office during the present year, I shall endeavour to see what amelioration can be devised in the position of the postmasters in this respect.

Mr. ARTHUR O'CONNOR: My suggestion was limited to postmasterships where the premises were devoted exclusively to the public service.

Mr. RAIKES: The hon. Member is no doubt aware that in regard to the Crown offices, or the offices which are devoted exclusively to post office work, the fittings are supplied by the Government. At all events, that is the intention I know; but I will look into the matter, and I shall be very glad to receive any suggestion the hon. Gentleman likes to make to me. He was anxious that something should be done with the view of improving the position of postmasters in relation to promotion. This is of course a question of very burning interest to postmasters at large; but I think it is well that these officers should understand, when they obtain on their own request a position of postmaster which at the time is satisfactory, that that does not entitle them to further promotion to a larger postmastership in a different town. Of course, it is very desirable when a postmaster at a small station is found to be a very efficient officer and a person of considerable ability, to utilize his experience as much as possible, and to find the opportunity, if one is available, of giving him a wider sphere of action by promoting him to a larger station. No doubt efficient postmasters will, as a general rule, obtain promotion; but I do not think it would be a good thing if we were to allow it to be generally understood that the fact of soliciting and obtaining a small postmastership should, in itself, entitle one to promotion to a large postmastership later on. If that principle were admitted it would be very hard to those servants who prefer the more active, and therefore the more responsible, duties at headquarters if they were to be excluded altogether from competition for important postmasterships, for the fulfilment of the duties of which they are so well fitted. I can assure the Committee that in cases where I have had to fill up vacant postmasterships, though I could not, without reference, state the exact proportion in which I promoted postmasters from small to large stations, and in which I had promoted other post office servants, I have always been extremely glad, where I could promote efficient postmasters, to give them new spheres of action; and when other opportunities may occur the hon. Gentleman may be sure that I shall be glad to adopt the same course of action. Then comes the question about the extra duty of the Savings Bank clerks in connection with commutation. The hon. Gentleman is so accurate in the statements he makes as a general rule, and he has such an extended knowledge of the Civil Service, that I am surprised that on this occasion he should have made a little slip. He assumed that the extra duty for which that sum of £8,500 was charged was extra duty that could be met in a considerable degree by lengthening the hours of the day's work of the clerks in that Department. I am quite with him as to the desirability of lengthening the hours of work. I think six hours are not adequate, and that seven hours' work and pay would be better for the State and for the individual. But as regards this particular duty, the fact is that this commutation work in respect of which this charge is made only occurs once a-year, and therefore the difficulty could not be met, either by increasing the staff or lengthening the hours. It is work that must be extra. It is an extra pressure that comes at the beginning of the year. It only lasts a few weeks, and therefore, as I say, it could not be met by an extension of the hours throughout the twelve months.

MR. ARTHUR O'CONNOR: This particular work does not represent more than £3,500 of this item of £8,500.

MR. RAIKES: I have not with me the figures with regard to the other part of the amount.

MR. ARTHUR O'CONNOR: Am I correct with regard to that?

MR. RAIKES: I should not be surprised if the hon. Member is correct, because he is generally so very accurate in his statements with reference to these matters. The hon. Member read some observations made by the Committee in 1878—the Committee presided over by the present Secretary to the Post Office, which I think are worthy of consideration. I only refer to that at this moment to say that I have not been so long in my Office that I have been able to make a perfect study of the history of the Post Office transactions, and this matter has escaped me. But I will endeavour to acquaint myself with these particulars, and on some future occasion shall be able to deal more satisfactorily with the matter. Then the hon. Member for South Tipperary (Mr. John O'Connor) made some observations with reference to postmasters in Ireland. He says their salaries are 20 per cent less than those of postmasters in England. That is a statement which I cannot accept without further inquiry. I think, no doubt, that it is possible that the salaries are lower in Ireland than in this country, as we know the salaries in Scotland are generally lower than in England in all branches of the Public Service. But at the same time, it must be borne in mind that both the cost of living and of rent, even where it is paid, in Ireland, as in Scotland, are much less than in England. I will, however, inquire into the question of promotion. I do not think I could hold out any prospect that I could sanction the fixing of a maximum and a minimum, as the salaries of postmasters, with an annually increasing increment, because that would be making allowance for an increase of work in some cases where work did not increase, whilst it might increase very considerably in other places. However, the hon. Gentleman will be glad to hear that I have raised the salaries of at least 12 of these minor postmasterships in Ireland since I have been in Office. There is a further process of readjustment going on, and I may assure the hon. Member that whenever the salaries can be raised above what is called starvation point, not only in Ireland, but in other parts of the United Kingdom, I shall be very happy to avail myself of the opportunity. Something has been said with regard to the surveyors, both by the hon. Member for East Donegal and the hon. Member for South Tipperary. Comparisons have been made as to the way in which these gentlemen perform their duties in Ireland and the way in which they are performed elsewhere. The general question was dealt with by a Departmental Committee only last year. That Committee had power to inquire into the question as to all the relations between the surveyors and the postmasters, and I think that in some cases it has been found convenient to sanction the employment of the head postmasters in important places as surveyors in the districts where their post offices are situated. The hon. Gentleman is, I hope, misinformed with regard to the manner in which some surveyors' clerks have behaved. All I can say is, that during the last nine months, since I have had any practical experience of this matter, I have not appointed a surveyor's clerk in Ireland without having a recommendation from the authorities of the Irish Post Office. I quite agree that it would be most desirable to prevent any unpleasantness by bringing into the postal service in Ireland any person, whether he comes from England, Scotland, or Ireland, who does not know how to behave himself in carrying out his duty. Then the case of the Cork letter carriers has been referred to. I have gone into that matter, but I have not with me the particulars. I did not think it was likely to be alluded to to-day. I thought a reply had been given, but as that does not seem to be the case, I will undertake that a reply shall be given to the complaint of the hon. Member on some future occasion. I now come to the question raised by the hon. Member for Northampton (Mr. Labouchere), who suggested that it was desirable that the minor positions in the Post Office should be filled up on the recommendation of the head postmaster of a district rather than that of the local Member for a constituency. I think I have already stated in one of the discussions that have taken place upon Postal matters since I took Office, that my own mind tends in the same direction as the hon. Member; and that in the case of these little sub-receiving and sorting offices, which are generally either in the same town or in the immediate vicinity of the head office, the postmaster would probably be on the whole—if not the invariable—at least the best guide to whom the Postmaster General could look for information upon this matter. I have not had any official communication with the Treasury on the subject; and, of course, it would be impossible for me to act without a thorough understanding with that Department; but, I think it is not impossible, if no objection is raised by the right hon. Gentleman the Leader of the House, or any other Member of the Treasury Board, that some step may be taken in the matter. The other point to which the hon. Member for Northampton refers was with regard to the establishment of a penny closed post-card. That matter, I confess, is new to me. The hon. Member is not now in his place, otherwise I would have asked him to send me a sample of the post-card to which he refers. However, I have no doubt that a sample could be obtained, and I will see what can be done after further consideration. Then, as to the question raised by the hon. Member for Caithness (Dr. Clark)—his complaint as to the slowness of the morning mail—I should be very glad if that train could be accelerated so that letters could arrive at the places he referred to at an earlier period than they do at present. To those who live at the extreme end of the line of communication, it must be a serious provocation to find their morning and evening letters arrive practically at the same hour. However, persons even in the North of Scotland differ in opinion with regard to this subject; and I have had representations made to me with regard to the service of this slow train, which leads me to believe that many parts of the country are fully satisfied with the arrangement as it at present exists. With regard to the Postal Service to the Western Islands, I should be very much obliged if the hon. Gentleman would put upon paper some practical suggestion. If he will do so, I shall be very glad to communicate with him upon the subject. I must say I have had more than enough almost to do with Stornoway and Strome Ferry ever since I came to the Post Office, and the names of those places are more familiar to me than the names of almost any other place in her Majesty's dominions. However, I shall be glad to see what can be done with regard to the Dingwall connection. As to what was said by the hon. and learned Member sitting below the Gangway on the Front Bench opposite (Mr. Molloy) with regard to false telegrams having been sent to Irish fishermen respecting the weather, he suggested that perhaps the Postmaster General might send sound and true weather forecasts for the benefit of the Irish fishermen. Well, if there was no other objection to it, I should most respectfully decline to be in any way responsible for the Irish weather. It is variable enough in this part of Her Majesty's Dominions, but I think if the Postmaster General were to do any such thing as to hold himself responsible for the unexpected variations in the Irish weather, we should be adding a substantial grievance to the alleged woes of Ireland. But false telegrams are sent about many other subjects besides the weather, and I should be very glad if there were power in the Post Office to remedy the evil of these false telegrams. I might mention that the other day I received a letter from the owner of one of the favourites, or rather of one of the horses that were expected to make a show in the late Derby, enclosing a false telegram announcing to the officials of the Jockey Club that the horse had been "scratched," and I was asked to take dire vengeance on the offender. Well, I should be very glad if it were in my power to hand over the offender to the legal authorities; but it must be remembered that persons who send false telegrams are not very particular to identify themselves.

MR. SHAW LEFEVRE: With reference to what the right hon. Gentleman has said about my remarks earlier in this discussion, I wish to say that it had not been my intention to advert in any way to what has taken place in the Post Office, and I should have made no remark whatever if it had not been for the severe observations made as to the conduct of the Secretary to the Post Office, Mr. Blackwood, by the hon. Member for Canterbury (Mr. Henniker Heaton).

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. FRASER-MACKINTOSH (Inverness-shire): In consequence of the observations of the right hon. Gentleman the Postmaster General as to the postal arrangements with the Hebrides, may I understand him as inviting schemes from the locality interested? I wish to remind the right hon. Gentleman that last year, in the month of July, advertisement was made for tenders to to establish a steam postal service between Strome Ferry and the Island of Harris. Tenders were to be given in in August, and it was supposed that the whole matter had been arranged. Although I have not the letter from the Secretary for Scotland, I have seen it—that official wrote in November last that the steam service had been sanctioned, the only matter to be dealt with being some minor detail. The people of Harris are surprised to find now that the whole matter has fallen to the ground on the score of expense. I put a Question to the Postmaster General two months ago on the subject, and he stated, very much to my surprise, that he was not aware that any promise had been made. The people in the district have been very much put about by what has occurred, and the other day a meeting was held in Harris, attended by a large number of people, at which a resolution was passed showing the very great loss and inconvenience which had been sustained through the absence of proper postal communication. The resolution set forth that during the 10 days previous more than £1,000 had been lost to the herring fishing industry in consequence of the inability to communicate speedily with the mainland. This is a matter which requires very serious consideration, and I trust the Government will consider the state of the Hebrides altogether. If the right hon. Gentleman wishes some scheme to be suggested to him on the part of the people, they, I am sure, will be only too happy to commnnicate with him; but I must protest in the strongest manner against the way in which the people of Harris have been treated.

DR. TANNER (Cork Co., Mid): I wish to call the right hon. Gentleman the Postmaster General's attention to the postal service in the South of Ireland. I think if the right hon. Gentleman paid attention to the point I mention it would be of great service to the people I represent in Cork. I refer to the mail train which goes out of Cork at six minutes past 10—the train I came by myself last night. There are numerous complaints made in the neighbourhood of Cork, notably from my own constituents, in regard to the time at which this train leaves the City, and there is a general concensus of opinion that it would conduce enormously to the advantage of the neighbourhood if it could be deferred, say for an hour or an hour and a half. The effect of the present arrangement for starting, as everybody who travels by the train knows, that if you are coming across to England you have to wait, generally, two hours and a half in Dublin. The mails are sorted in coming up in the train, and they have to cross the water. There will be no difficulty, seeing they are made up in the Cork train, to delay the train and send the letters across to Westland Row, immediately on the arrival of the train in Dublin. If the right hon. Gentleman could see his way to defer the departure of the mail train from Cork, he would be able to pay more attention to the reception of the various mails in the City of Cork, which is the centre of the South of Ireland. He would be enabled to gather the mails in there, and he would be able to pass them on with much greater celerity than at present. I know perfectly well that if the right hon. Gentleman looks into this question, and I am certain he will, for he is always distinguished by his courtesy in dealing with these matters, he will see that in the first place, practically speaking, people living in the City of Cork and in the whole of the South of Ireland are put to great inconvenience by the existing mail system, and in the next place he would see that it would greatly simplify matters by delaying the train as I suggest. Take the mail arriving from Skibbereen and Bantry, the mails which come into Cork from Skibbereen or Bantry, or from a longer distance, have to leave their starting place at an early hour, in consequence of the mail train leaving Cork at six minutes past 10. If the amount of time which is lost in Dublin were given to the mail train at Cork, this would give the branch trains a longer period, and would enable the mails to be made up later, and consequently to permit of the posting of letters at a later period. If the mail train at Cork were put back an hour, say until six minutes past 11, it would facilitate the answering of letters in almost every district, and would enable people to reply to letters which at present they are not able to answer. One other point I would like to call the right hon. Gentleman's attention to, and that is in connection with the town of Macroom, which is situated in Mid Cork. It was only the day before yesterday that they were speaking to me about the way in which letters were taken at Macroom. There is a railway running from the City of Cork to Macroom, but the Government do not make use of it. [*Cries of* "Yes, yes!"] Well, if they do make use of it, it is only to a very small extent. The day mail arrives in Cork at six minutes past 12 and goes out by the Macroom train at 3 o'clock, which is a very small accommodation. What I would call the right hon. Gentleman's attention to is this point, that letters received by the people in Macroom, and all along that line, by the morning post, from this side of the water cannot be answered till the following day, whereas if the right hon. Gentleman would put back the departure of the train from Cork there would be much greater chance of letters being answered in Macroom at an earlier period; and this statement applies equally to Skibbereen and other places which are connected with Cork by Railway. If the right hon. Gentleman, instead of sending these mails by car, as has hitherto been the case, would dispatch them on the Macroom line, he would confer a great benefit on the people of the locality. I do not say there is very much business done there. That is not the case; but anyone who understands business matters—and I presume no one understands them better than the right hon. Gentleman the Postmaster General himself—will see that the proposal I make would give business men very great facilities, and would conduce very much to their interests and the development of the business in these remote districts. I would ask him to allow the mails to be sent into Cork from Macroom and these other places by train, and sent away from Cork later than at present. I had a few notes on this question; but I did not know that this estimate was to be taken this evening, and, therefore, I have not provided myself with them. I sincerely hope, however, the right hon. Gentleman will do me the courtesy to look into these matters, and, so far as he possibly can, deal a substantial benefit to all the commercial people dwelling in or about the City of Cork.

MR. ANDERSON (Elgin and Nairn): Before the right hon. Gentleman the Postmaster General (Mr. Raikes) answers that question, I would like to ask him if any progress has been made in the establishment of money-order offices in two villages in Morayshire, about which I asked him a question a few days ago. I refer to the villages of Dallas and Archiestown. It may be a matter for the Treasury, and I would ask the hon. Gentleman the Secretary to the Treasury (Mr. Jackson) to inform the Committee what is the difficulty that does exist in having money-order offices established at these small villages. I am sure the Government must be aware of the importance of having savings banks established wherever there is a considerable population, and I wish to point out that in the Highlands villages and houses are scattered. They are practically at great distances from any bank, and the people complain of not being able to deposit their savings without going some eight or ten miles to the town of Aberlour, I think, where there is a single savings bank, or where there is a proper savings bank. I do not think it is right that that state of things should exist. I understood, from an interview that the Postmaster General was kind enough to give me some time ago, that the question was a financial one, and that some small sum had to be made up—or something of that kind. I do think, in a matter of such importance as this, it is not right on the part of the Government—it is false economy on the part of the Government—to impose on people who are not well off a tax that, though it might not be a large one in the opinion of the Committee, would still be one that would be felt by the people and should not be encouraged. What I want to suggest is that the Government should remove these little difficulties of raising £10 or £20, or giving written guarantees.

MR. CONYBEARE (Cornwall, Camborne): I must apologize for rising to trespass upon the attention of the right hon. Gentleman the Postmaster General (Mr. Raikes) again after he has been already once or twice upon his feet answering Questions. I was not able to arrive in the House until some time after this discussion commenced this evening, and therefore am obliged to trouble the right hon. Gentleman again. There are just one or two matters which have been entrusted to me to place before his notice, and I shall endeavour to discharge this trust as briefly as possible. In the first instance, however, I should like to advert for a moment to a matter which concerns my own constituency, and which, as I believe, has been as troublesome a question to successive Postmaster Generals as those matters relating to Strone Ferry and other parts of the islands of Scotland about which we have heard to-night—I allude to the stoppage of the calling of the mail from Penzance at the town of Camborne. I myself have had some correspondence with the right hon. Gentleman the Postmaster General and with his Predecessors upon this subject, and others have done the like. Correspondence of this kind has taken place on this subject, but all our representations have been without effect so far. The urgent and repeated requests of the people of Camborne, and the thickly populated districts around that town, have failed to produce, by what I might call silent entreaty, the reform required, and I am, therefore, compelled reluctantly to bring the matter before this House in a more pointed form. The grievance is that when a few years ago some alterations were made for the purpose of facilitating and improving the postal service in the Western part of the County of Cornwall the mail train, which at that time stopped at Camborne, was taken off for stopping there, and has never since been allowed to stop there. There was no excuse whatever for the taking off the train for stopping at Camborne in the past, and still less excuse is there for the refusal to allow the train to stop there now since Camborne has become the head of a Parliamentary Division. Camborne is, I believe the most important town in the County of Cornwall; I might say without exception, but I will, if you like, grant the one exception of Truro. The population is an industrial one, and one of growing importance, and it is, as I have before pointed out to the Postmaster General, the most populated district throughout the whole of Cornwall. I am very well aware that the answer I shall receive from the right hon. Gentleman is likely to be similar to that which I have read from his Predecessors in Office—namely, that the question is one for the Directors of the Great Western Railway Company, and that it is not for the Postmaster General to interfere in it at all. But when we go to the Directors of the Great Western Railway Company, who are exceedingly Conservative, and a body particularly hard to move, they say that the question is one for the Postmaster General to deal with, and that they have no power and cannot interfere in the matter at all. Now, this may seem a very small matter to a great many people, but this position of affairs is very disagreeable to us who are interested in the town of Camborne, and to a great many others who reside in the district; and we are desirous that this sort of thing, of which we are the victims, should be put an end to. The problems which have been brought before the right hon. Gentleman and his Predecessors for solution are no doubt many and various; but, to my mind, there is no problem and no difficulty, so far as my inquiries, and so far as the information which I have been able to lay before the right hon. Gentleman goes, so easy of solution as this. There would be no difficulty in the world in adopting one or two solutions—either starting the mail train five minutes earlier at its starting point, or requiring the Great Western Railway Company to stop at Camborne, and to make up for the delay by increasing the speed of the mail train between Penzance and Camborne. Now, I believe there are occasions—and I ask the attention of the right hon. Gentleman especially to this, if he is not already acquainted with these matters—on which the Directors of the Great Western Railway, to suit their own convenience, and for their own purposes purely, have stopped this mail train between Penzance and Camborne without causing any appreciable delay. Such stoppages are important matters when you have to deal with a mail train running upon a single line, as the Great Western Railway is in this district, and in a train which has to run 300 miles up to London. If it is possible for the Directors of the Great Western Railway to stop a mail train at stations which are not usually stopped at, at places of much less importance than Camborne, it would be perfectly possible, it seems to me, to stop at Camborne without interfering with the regular service of the train. Then there are other methods by which this difficulty might be got over. It really only requires a little determination, if the right hon. Gentleman will excuse me for saying so, on his part to get over this difficulty. The right hon. Gentleman is in the position of being able to require that a mail train of this kind shall stop at a particular station. Unfortunately at the time the contract was entered into, Camborne was struck out of the stopping places. I believe it was done, not through the fault of the right hon. Gentleman the Postmaster General himself or his Predecessors, but through some local jealousy or something of that kind. That was before my time, however. I contend, that if it can be shown to be to the interests of a large portion of the population of the country, and if it can be shown to be not only in their interests to grant the facilities I ask for, but that they can be granted without interfering with the interests of any other portion of the population—I say that the least the right hon. Gentleman could do would be to grant this reform, which is not a revolutionary reform, but really in the nature of the restoration of a privilege or a right to the people of Camborne—a right which was unjustly taken away from them a few years ago. I would ask the right hon. Gentleman to take steps to restore this right. I assure the right hon. Gentleman that I am very much averse to referring to these questions over and over again, but it is my duty to refer to them, and though I do not wish to put it before the right hon. Gentleman in the nature of a threat, I still must say, that until a satisfactory answer has been received from him, I shall have to bring this matter continually under the notice of the right hon. Gentleman and his Successors so long as I continue to enjoy the privilege of a seat in this House. Another matter which I wish very briefly to bring before the notice of the right hon. Gentleman is one with regard to which I should not have asked for any portion of the time of the Committee if it had not been for the fact that no one has alluded to the subject, and that it affects the interests of a very considerable class of deserving servants in the Post Office—I mean the question of the promotion of the second-class sorters. Now the facts with reference to the grievances of the second-class sorters which I am asked to place before the Committee are as follows. The second-class sorters have petitioned and memorialised successive Postmaster Generals from time to time for a redress of their grievances, but with no better success than I and my constituents who have petitioned them with regard to the stopping of the mail train at Camborne. These people complain that the majority of second-class sorters in the Metropolitan district entered the service with the advertised prospect of promotion to the position of sorters of the first class. When the second-class sorters were appointed by open competition there were posts as first-class sorters, but in the year 1874 the first-class appears to have been abolished, and when that abolition took place no equivalent for the loss of their opportunities for promotion was allowed to the second-class sorters. These men, therefore, have been deprived of the only channel of promotion that was open to them, that to which they were looking forward, and to which I may say they thought they had a sort of vested right according to the terms under which they entered into the public service. In other cases in the Civil Service when offices are abolished in this way, or when reconstruction of departments takes place, I have always noticed that those who have been deprived of any benefit to which they had a legitimate right to look forward to, have been put in the receipt of pensions. Now, I do not ask that these men, in whose interests I am addressing the Committee, and who are such a very important class of public servants, should have pensions given to them. I do not ask for anything of that kind; but I do think that as they have been deprived of the chance of promotion to which they had a right to look forward, they are entitled to some consideration. If it is impossible to restore the first class of sorters, as those persons ask should be done, at any rate, their position should be considered with a view of enabling them to look forward to some promotion of another kind, or some other advantage. The late Mr. Fawcett, when they represented their grievance to him, replied to them that he could not open up the question of first-class sorters at that time, which implied that the question was not altogether a closed one, and that he might refer to it at some future time. When the noble Lord the Member for East Leicestershire (Lord John Manners) was Postmaster General, he replied, to the petition of the second-class sorters, that the second-class overseers was substituted for the first-class sorters; and he also held out this prospect — that if the first-class sorters were re-established it would lead to a reduction in the pay of the second-class sorters. That was not a very hopeful or satisfactory answer; but I think it is desirable to state that at the time this answer was received by the second-class sorters, let us say 10 years after the second-class overseers had been established in place of the first-class sorters, not one of the second-class sorters had been promoted to the second-class of overseers. Ever since then in the Metropolitan Office, or, at any rate, in the Western district, only one second-class sorter has obtained an appointment as second-class overseer, the other appointments being obtained by postmen. As to that I have no complaint to make—I have no complaint to make that postmen should be promoted, or that others should be promoted by legitimate means—but I do think that the second-class sorters have a right to complain when they not only find that this principal channel of promotion held out to them—namely, that of first class sorters—is done away with, but that they are practically excluded by another class in the service from obtaining that which was their only chance of promotion. I should like to ask the right hon. Gentleman the Postmaster General whether he will consider the possibility or desirability of re-establishing the post of first-class sorters in the Metropolitan district, and whether it is not true that the majority of second-class sorters entered the Service with the advertised prospect of obtaining promotion to that first class; and, if that be so, whether he will, at any rate, so far as those who entered the Service before the abolition of first-class sorters are concerned, consider their position? I would urge upon him to see whether it would not be possible to make these people some restitution of that which has been taken away from them, or give them some equivalent. I believe I am correct in stating that there is a first class of sorters in the General Post Office, and that a considerable number of them are younger men in the Service than the members of the second class in the Metropolitan district, and yet I am informed that they all entered the Service with the same qualification. There is a broad distinction between them. With regard to this matter of sorters there is one point upon which I would wish to make a remark in passing. I should like to call the right hon. Gentleman's attention to a question affecting the sorters employed in the Registered Letter Department. A Question was put to the Government as to these sorters being allowed risk money; but I do not remember the exact terms of the answer received. I have been informed since, however, that the second class of sorters are employed, and that, the work involving risks, circumstances have occurred which have rendered the imposition of penalties necessary, and that these penalties have been inflicted without the sorters having received extra risk money. If that is so—and I am informed that it is the fact—I hope the right hon. Gentleman the Postmaster General will look into the matter, and will see that those who are employed on this extra duty will be properly remunerated. This, however, is only by the way, and with reference to the risk money of the sorters. As to the general question of promotion, I would like to place before the right hon. Gentleman the complaint of another body of servants in the Post Office—namely, the porters, of whom I think there are about 300 in the General Post Office. I do not know whether a Memorial has been actually placed before the Royal Commission which has been sitting or not; but, at any rate, I have been asked to place the complaint of these people before the Committee in connection with this matter. What they ask is that the barrier at present existing between their class and other classes for promotion to the minor establishment may be removed, and that they may be made eligible for examination for admission into the department, especially in the position of second-class sorters. This question of the porters therefore hangs together with the question of the second-class sorters to which I have just called the right hon. Gentleman's attention. I am glad to be able to place the matter before the attention of the Committee, because it is quite clear that the efficiency of the service will be materially improved by giving reasonable facilities and opportunities of obtaining promotion to all the servants of the Post Office, from the lowest class up to the highest. If you can promote or give facilities for the promotion of porters to the position of second-class sorters and can give the second-class sorters what they justly ask for, you will get increased zeal on the part of those officials; you will get more work out of them and will have the work done much better. The porters on whose behalf I am now speaking make the remark that in asking that they should be permitted the chance of promotion, they do so with the full knowledge and belief that there are many amongst them who by education and ability are capable of attaining to higher posts in the Post Office; but are deprived of the possibility through no fault of their own. They say that there are several duties connected with their division such as loading and unloading mails which could be efficiently discharged by foremen and their class as they are discharged at present by second-class sorters. I think that it is a very reasonable repesentation to make. It appears that there are at the present moment second-class sorters engaged in performing the work of porters. I think my appeal for opportunities for promotion for these two classes of servants altogether is a most reasonable appeal. The class of public servants for whom I plead as I have already pointed out is a most deserving class, and one whose interests the right hon. Gentleman will not be wise in the interests of the Public Service to overlook. Another point the porters desire to have stress laid upon is that their wages instead of rising 1*s*. per annum, should increase at the rate of 1*s*. 6*d*. per annum up to 30*s*. per week. They have a grievance in this respect which they desire to have removed. They entered the service as adults having passed examinations, and having undergone a severe scrutiny as to their character and the previous services they might have been engaged in, and yet they have to wait no less than 12 years, according to the present arrangement, before they reach the maximum of their wages, and obtain the salary that the Nation considers sufficient for competent porters. These men also ask that their period of attendance should be eight hours for day duty and seven hours for night duty, thus making the hours of attendance uniform through all the grades of the minor establishment. These are matters which are not immediately connected to the question of promotion that I have ventured to place before the Committee, but I think they are questions which affect the efficiency of the Public Service generally, that efficiency depending in a large measure on the zeal with which the different services perform their duties. From this point of view, it is very desirable that all questions of grievances which are brought before the Postmaster General in this Committee for the reason that there are no other channels through which these subjects can be brought substantially before the right hon. Gentleman should receive adequate consideration. A considerable part of the grievance of the porters is with regard to this question of hours. Their hours of attendance are now from 4 o'clock in the morning until 9, and from 4 o'clock in the afternoon until 8 in the evening, and during the whole of this time they are employed without the slighest interval for refreshment. The porters ask that their hours should be made similar to the hours of attendance of first and second class sorters, which are in the day from 4 o'clock in the morning until half-past 7, and from a quarter-past 4 in the afternoon until 8 o'clock in the evening. If they are employed after half-past 7 they receive 6*d*. an hour extra. The hours of attendance for porters in the newspaper branch are the same; but if these men have to stay beyond half-past 7 o'clock they do so without extra pay, so that they have longer hours of attendance and receive smaller pay than any other class. There is no distinction, as I am informed, existing between the sorter and the porter class, either in day or night duty, therefore, I think one may fairly say that the claim of the porter class to be taken into consideration may be fairly taken into account. These, Sir, are one or two matters connected with the working of the Post

Office Department, and relating to the servants who are of an humbler position than many others whose grievances are more constantly brought before the public notice, to which I desire to direct the attention of the right hon. Gentleman. The matters I have dealt with may seem trivial to the Members of this House; but I am quite sure that if a good case can be made out—as I think I have made out a good case in connection with these servants to whom I have referred—I think if the Government can give these people greater hopes of increased reward for greater zeal and energy, and if the attention of the Government is devoted to this case, the time I have taken in placing these grievances before the Committee will not have been lost. I can only say that, so far as I am concerned, I have taken these matters up and placed them before the Committee simply because I have been appealed to by the servants of the Post Office, and because I had ascertained before rising that no one else had said a word in their favour. I will here leave the matter, only asking that the right hon. Gentleman the Postmaster General, in respect of these grievances—these substantial grievances, as I think them—of second-class sorters, and of Post Office porters, who are all most deserving public servants, and also as to the stopping of the up-mail at Camborne, will be so kind as to give the points I have placed before him some attention and consideration.

MR. HENNIKER HEATON: I desire to call attention to a matter in connection with the administration of the Post Office; and also to allude to a statement made by the right hon. Gentleman the Member for Central Bradford (Mr. Shaw Lefevre) in reference to an attack made by me on the permanent head of the Post Office. I maintain that there were very good grounds for that attack——

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. HENNIKER HEATON: I was saying, when interrupted by the counting of the Committee, that I desired to draw attention to a statement made by the right hon. Gentleman the Member for Central Bradford, who concluded his speech by saying that a statement I had made with regard to the action of the permanent head of the Post Office was not to be relied on.

MR. SHAW LEFEVRE: I merely wish to say that I contravened the charge made by the hon. Member for Canterbury (Mr. Henniker Heaton) against Mr. Blackwood, the Secretary to the Post Office, of general obstruction in the business of that Department.

MR. HENNIKER HEATON: The charge I made against Mr. Blackwood was this—that, knowing the Postmaster General was taking a course which was strongly opposed to the views of the autocrat of the Post Office, Mr. Blackwood, acting upon an unexplained grievance, took a course which led the officials connected with him to present him with an address of sympathy; that he had that address in his possession for some time, and made it known to the Press. I say that such conduct ought not to be tolerated, in face of the fact that Mr. Blackwood appealed to a large number of Members of this House against the Postmaster General. The right hon. Gentleman the Member for Central Bradford is not justified in saying that my statement is not to be relied on; and if the Postmaster General will consent to an inquiry being held into the matter I shall be prepared to prove all that I have stated.

COLONEL NOLAN (Galway, N.): There is one matter to which I should like, very briefly, to draw the attention of the Postmaster General; and my reason for introducing the subject now is that I find that the only way of getting these details attended to is by bringing them forward when the House is in Committee; but, although a good many Postmasters General have expressed a certain amount of sympathy with me, I have not hitherto derived much advantage from my action. On page 91 of the Estimate it will be seen that the very first of the railways mentioned in Ireland is that from Athenry to Tuam. What I wish to point out to the right hon. Gentleman the Postmaster General is that the Department over which he presides is spending a considerable sum of money—something like £182 a-day—for the day and night service, the day service being performed by rail and the night service by car. If the Postmaster General could only infuse into the Irish Post Office officials a little of the energy with which he is endowed they would be able to get the Railway Company to run a train at night, and at a very little increase on the present cost of running the mail cars; and it would be a matter of great and important advantage to the district to secure this change. If the right hon. Gentleman would only transfer the subsidy from the cars to the trains, we should then have Galway in regular mail communication with London through Athenry and Tuam, because a very large portion of the traffic goes to Dublin, and, consequently, to England. I would suggest that this matter is worthy of consideration on the part of the right hon. Gentleman, who, if he will look into it, will find that to make the alteration I propose would entail only a very slight increase in the present cost. Of course, to do this would be a convenience to passengers. I cannot for a moment deny that such would be the result, and I know that the Postmaster General is not desirous of subsidizing passenger trains; but in many parts of Ireland it is absolutely necessary that these things must go together. I would also suggest that the right hon. Gentleman should establish a cross-country post between North Galway and South Galway. It would not be a very difficult thing to do this. There are a very large number of letters that have at present to go round by Athlone, which is a very long distance—over 100 miles—and they might with great advantage be sent across country, some 10 or 12 miles only, instead of having to make so wide a detour. The expense of running a car to make the cross country communication would be very trifling, and the advantage to the whole district would be very considerable.

MR. PICKERSGILL (Bethnal Green, S.W.): I desire, very briefly, to call the attention of the Committee to a matter in connection with the cost of the medical department of the Post Office. That is a very expensive department, and the items in connection with it will be found on page 64 of the Estimates. There are the chief medical officer, with a maximum salary of £1,000; a second medical officer, with a maximum of £600; another with a maximum of £300, and also a female medical officer with a maximum of £450, an assistant to the medical officer with £100, and a dispensing assistant with £180. There are other items which bring up the total cost of this Department to the very large sum of £2,878. The Committee ought to bear in mind that this is not the total cost of the medical supervision at the whole of the Metropolitan post offices, but merely the cost of the staff employed at the General Post Office, together with the Central Telegraph Office. My main object in bringing this matter forward is to draw attention to one item of the cost of the Department—namely, that which comes under the head of "Substitutes," and is stated at £100. I called attention to this point last year, but at that time I was precluded from moving the reduction of the Vote, as I intend to do on the present occasion. I would ask the Committee to consider for what purpose this item is created. An explanation of it was furnished by the Postmaster General when the matter was referred to last year. He stated that the object of this item of £100 is the payment of substitutes for the medical officers while they are away on their annual leave. But the privilege of an annual holiday is not confined to the medical department of the Post Office, and in all such cases the established practice of the Service is well known. When an officer is away on his annual leave it is not usual to bring in a stranger to perform his duties; the custom is that they should be discharged by his colleagues. The right hon. Gentleman, in meeting an objection to the Vote, stated that the shortness of the medical staff did not prevent the *employés* falling ill; but a reply of that kind would equally apply to the other departments in which the work does not stand still, simply because some of the officers happen to be away on their annual leave. I believe the right hon. Gentleman the Postmaster General also stated that there was an exceptional amount of illness during the spring and summer of the year referred to in the debate I speak of, during which it may be presumed those gentlemen would take their vacation. I do not think there is very much in that point. Every season of the year brings its peculiar ailments; and even supposing there was an exceptional amount of illness among those employed at the Post Office that, I think, is far more than counterbalanced by the fact that during the spring and summer months a large number of the officers are away on their annual leave, and are, consequently, removed from the Post Office medical supervision. I object to this item, in the first place, because it seems to me to be as unnecessary, as it certainly is an anomalous item; and I object to it, in the second place, because it is the means of introducing into the Public Service strangers who are to be casually employed, and over whom the Department cannot possibly have any kind of effective control, and invests those strangers with very large powers involving not only the comfort and the health of the established servants of the Crown, but, as I have shown on a previous occasion, the very lives of those individuals. I do not at the present moment wish to do more than refer in passing to a death under very painful circumstances, to which I drew particular attention last year. I have also shown that one of these strangers, as I call them, who are thus casually employed, was last year guilty of what I think the House agreed with me was an act of oppression towards an established servant of the Crown, of long standing and high character, by compelling him to resume his duty in spite of his strenuous protest that he was unfit to do so. There is also another aspect of this question. I think we may regard it from a financial point of view. I elicited from the right hon. Gentleman the Postmaster General last year that when the medical officer was away for five weeks the gentleman who performed his functions was paid at the rate of £3 3*s*. a-week, so that we have this anomalous state of things—that we are paying a salary of £3 3*s*. a-week only for the discharge of duties which are ordinarily paid for at the rate of something like £1,000 per annum. I can hardly see how the Postmaster General can avoid being impaled on one or other of the horns of this dilemma. Either the Medical Superintendent of the Post Office is extravagantly overpaid, or the casual professional gentleman who is called in to supply his place is very much underpaid. I had hoped that this item might have disappeared from the Estimates of the present year; but I was too sanguine, for I find it re-appears. I will, therefore, move the reduction of the Vote by the sum of £100 on the grounds I have stated to the Committee—namely, that it is an unnecessary and anomalous expenditure; that it introduces into the service of the Department strangers over whom there cannot be the same effective control which is exercised in the case of the established officers, and invests those strangers with powers which may be used for the oppression of valued servants of the Crown.

Motion made, and Question proposed, "That a sum, not exceeding £4,820,670, be granted for the said Services."—(*Mr. Pickersgill.*)

MR. RAIKES: I hope the hon. Gentleman the Member for Bethnal Green (Mr. Pickersgill), who has proposed this Amendment, will not put the Committee to the trouble of taking a Division upon it. The matter to which he refers was brought before the House last year, and I have nothing to add to what I then stated. I believe the House was then satisfied that the provision referred to had been found to be adequate for the duties of the medical officer in the absence of that functionary; and although the sum set down for the purpose seems very small—as to which matter I am quite in agreement with the hon. Gentleman—I would point out that the principal medical officer of the Post Office is an old public servant, who, no doubt, could have secured outside the Department an income larger than his official salary. The hon. Gentleman does not question the amount of the salary paid to the medical officers, and he can hardly quarrel with the sum paid to the substitute for being too small. He will remember that last year I answered his statement with regard to the death to which he has referred, and I am sorry that that unfortunate occurrence has been remembered and brought up again. I can only say that I cannot see any reason for departing from the practice which has been pursued hitherto, and I trust the hon. Gentleman will see the propriety of not persisting in his Amendment.

COLONEL NOLAN: I hope the right hon. Gentleman the Postmaster General will favour me with a reply to my question with regard to the establishment of a night mail train to Athenry and a cross-country service between North and South Galway.

MR. RAIKES: I will answer the hon. and gallant Gentleman after we have dealt with the Amendment.

Question put.

The Committee *divided:*—Ayes 31; Noes 111: Majority 80.—(Div. List, No. 185.) [9.55 P.M.]

Original Question again proposed.

MR. RAIKES: I only wish to say one word before the Question is put. In reply to my hon. Friend the Member for Inverness-shire (Mr. Fraser-Mackintosh) I will say I am conversant with the fact he has stated, and I shall be very glad to consider what he has said. At the same time, it must not be assumed that I make any promise to take any particular action. With regard to what the hon. Gentleman the Member for Mid Cork (Dr. Tanner) has said, I should be very glad if he will furnish me with some representation from the locality dealing with the matters he alluded to. The hon. and learned Member for Elgin and Nairn (Mr. Anderson) has raised a question which has been already carefully considered by the Post Office, and I will undertake to do my best to meet his views. As to the point raised by the hon. Gentleman the Member for North-West Cornwall (Mr. Conybeare), I must say that I shall be extremely glad to co-operate with the Great Western Railway Company, if it is possible to devise a method of increasing the convenience of the people of Camborne without delaying the trains. But the hon. Gentleman is aware that the interests of the people of Camborne are somewhat antagonistic to the interests of the people of Penzance. It is impossible to suit the people of Camborne without injuring the people of Penzance, unless the Great Western Railway Company will accelerate the trains. If they are prepared to do that the matter can be easily dealt with. With regard to the second-class porters and sorters, I may say that the matter has already been considered; but I will look into it again. As to the point raised by the hon. and gallant Gentleman the Member for North Galway (Colonel Nolan), I will confer with my advisers and see what can be done. I think these remarks cover all the observations which have been made, and I trust the Committee will now be able to give us the Vote.

MR. J. ROWLANDS (Finsbury, E.): I should like to draw the attention of the right hon. Gentleman to a Memorial which has been for some considerable time under the consideration of his Department. It was presented by the London officials, who desire to be placed on the same condition with regard to holidays as the officials holding similar rank in the large Provincial towns. The officials of a given rank in Dublin, Edinburgh, and in all the large Provincial towns have three weeks' instead of a fortnight's holiday which the London officials have. The *employés* in the London Department have memorialized the right hon. Gentleman that they may be placed under the same conditions as the officials in the places I have named. So far, the memorialists have not received any answer to their Memorial. It will be in the recollection of the Committee that I have on more than one occasion asked questions of the right hon. Gentleman, in the hope that an answer might be made to the Memorial. I trust sincerely that the right hon. Gentleman will be able to promise us this evening that these Government servants shall be placed in the same position as their Provincial brethren. It is admitted on all hands that they have quite as great and important duties to perform; and, therefore, it is hard that they should only receive a fortnight's holiday, while others in the like position receive three weeks' holiday.

MR. RAIKES: The matter is under consideration, and I will undertake that an answer shall be sent to the hon. Gentleman as soon as possible.

MR. J. ROWLANDS: Will the right hon. Gentleman promise to answer early? It is important that he should do so, because the holidays are now taking place.

DR. TANNER (Cork Co., Mid): I can only say, with reference to the subject I brought under the notice of the right hon. Gentleman the Postmaster General, that I tried to put the matter I raised as fairly as I could. There are a great many people in the South of Ireland who get a letter, say, in the afternoon, and cannot answer it for a couple of days. The right hon. Gentleman, by casting his eye over page 57, will see that in Ireland there are two methods of conveying mails—one is by rail, and the other by road. Surely, when you have got the option of choosing between these methods, the right hon. Gentleman is called upon to choose that which contributes most to the public convenience. I think I put it clearly that in the Macroom district there is a railway, but that the Post Office persist in carrying mails by an ordinary car, across the mountains, into Cork. The Railway Company is perfectly willing to transmit the mails; and, therefore, I cannot possibly understand why the Government persist in continuing the present system. Then, again, I tried as well as I could, in my humble way, to put before the right hon. Gentleman another substantial; grievance, and that is that the people in Cork and the South of Ireland who travel by the night mail train are really required to waste three hours in Dublin. Why not, at any rate, confer a boon upon the inhabitants of the South of Ireland by postponing the departure of the mail for one hour at least? I ask that something shall be done in this matter in the name of common sense, and in the name of right. I hope, before we pass this Vote, the right hon. Gentleman will give me some solid assurances that the subject of the conveyance of mails by road from Macroom will be seen into, otherwise it will be my painful duty to move the reduction of the Vote by the sum of £300, which is set down for the conveyance of mails from Macroom.

Mr. RAIKES: I think the hon. Gentleman cannot have been in the House when I made my reply. [Dr. Tanner: Yes; I was.] Then he could not have understood what I said. I asked that he would furnish me with some memorandum upon the subject. It is impossible to make an inquiry into a matter of this sort unless I have some written statement. If the hon. Gentleman will be kind enough to furnish me with such a statement, I shall be most happy to make all inquiry.

Original Question put, and *agreed to.*

(2.) £509,311, to complete the sum for the Post Office Packet Service.

Mr. HENNIKER HEATON (Canterbury): I cannot allow this Vote to pass without some explanation from the Postmaster General. As a preliminary inquiry, I should like to know whether it is proposed to reduce the rates of the postage to India, and also to China?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): The Vote for the Packet Service is, no doubt, one of very great importance, and of great public interest; but it so happens this year that the great majority of the questions raised by it will be more conveniently discussed upon the new contracts which have been negotiated by the Government for the conveyance of particular mails. All these contracts are, or will soon be, on the Table of the House; and I presume that the more convenient course for the House will be to discuss each of these questions separately on its own merits, when the occasion arises. The question of the India and China Mails, to which the hon. Member has just referred, stands on the Paper for to-night; and it will be taken to-night, if reached at a convenient hour, and if not to-night, at all events on an early day. As to the American Contract, I believe my hon. Friend the Secretary to the Treasury (Mr. Jackson) has given Notice that the discussion shall be taken on an early day. The Australian Mail Contract is not yet concluded; therefore it would be extremely undesirable if the negotiations now proceeding between the Government and the Companies were to be jeopardized by a premature discussion. It would be difficult for me to enter into the merits of the question at this time. As the hon. Gentleman takes great interest in the question, and as the Committee will be glad to have a general view of the matter, I may, perhaps, just say this much—that I hope and believe that the reduction in the cost of the Mail Service of this country to distant places, which is shown in the Estimates of this House, will be a very much larger reduction in the Estimates of years to come. The reduction which we hope to secure by the India and China Contract amounts altogether to no less than £107,000 a-year. The reduction which we hope to secure by the American Mail Contract amounts to no less than £20,000 a-year; and I am inclined to believe that a similar reduction may be effected by the Australian Mail Contract; but as to that I am not in a position at this moment to give a definite opinion. I think the Committee may naturally wish to express its opinion upon the policy of these contracts; but I hardly think that this evening any good purpose can be served by a desultory debate, as a sort of preliminary canter before the question comes on to be seriously discussed. When we come to discuss these matters, I trust I shall be able to show that a very great and permanent saving has been made in this great branch of expenditure; and I trust that, instead of there being any sacrifice of efficiency, the Service will be more efficient in the future.

Vote *agreed to*.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £1,500,248, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1888, for the Salaries and Working Expenses of the Post Office Telegraph Service."

Dr. CAMERON (Glasgow, College): Reference was made earlier in the evening to the unremunerative nature of the Postal Telegraph Service. Well, as I said, I do not imagine the Telegraph Service is so unremunerative as is generally believed. In the first place, there are large sums charged against revenue which should be properly placed against capital. In former days, when a commercial balance sheet was issued by the Post Office Authorities, there was a considerable surplus shown. Upon the introduction of the 6*d*. telegram it was contemplated that the diminution in the price would cause a falling-off of revenue; but I am extremely glad to learn, by the statement made at an earlier portion of the Session by the Postmaster General, that the anticipations of the Postal Authorities with regard to the falling-off have proved to be exaggerated, and that the result of the last year exceeded the Estimate by no less than £100,000, and that notwithstanding the fact that the messages were shorter than it was estimated they would be. But I think it is of very little use to indulge in pessimistic cavilling about account keeping. It is impossible to tell the exact cost of the Telegraphic Service, because the percentage of postal expenses placed against that Service is, and must be, a purely arbitrary one. I rose particularly to point out an item in which a practical economy to a considerable amount may be effected. This Vote contains, under the Sub-head C, an item of £68,300 for the maintenance of telegraph wires by Railway Companies, an item of £8,700 for works carried out by Railway Companies and others, chargeable to maintenance, &c., and an item of £29,900 for compensation to Railway Companies for surrender of their reversionary interest in telegraph business, including way-leaves, pole rents, &c. Now, Sir, reference was made earlier this evening by the Chancellor of the Exchequer (Mr. Goschen) to the extravagant nature of the bargain made when the telegraphs were taken over by the State. That extravagance extended to the bargain made with the Railway Companies. The Railway Companies were given, by way of a *solatium*, a heavy price for way-leave. It figures here as £29,000. I believe they are paid way-leave at the rate of something like £1 per mile. They are entrusted with the duty of maintaining the wires; but the telegraph officials state that the payment to the Railway Companies is largely in excess of the rate at which they are able to maintain the telegraph wires that are entrusted to them for maintenance. Now, of course, a bargain is a bargain, and I do not propose we should confiscate the bargain entered into with the Railway Companies; but I think that when a Railway Company comes to this House, demanding further concessions and fresh monopolies, demanding the right to extend its line and so forth, we might fairly say as a condition of granting it a new monopoly—"We insist upon you revising your bargain with the country with regard to the way-leaves for telegraph wires, and with regard to the maintenance of these wires." I have risen for the purpose of suggesting to the right hon. Gentleman the Postmaster General whether it would not be worth his while, at a time when he is contemplating economies, to inquire into the amount of waste incurred through these extravagant arrangements with the Railway Companies; whether it would not be worth his while to look minutely into the cost of maintaining telegraph wires through the agency of the Railway Companies, as contrasted with the cost of maintaining them through the agency of the officials of his own Department; whether it would not be well for him to consider the advisability of getting some clause drawn up to be inserted in the Bills of every Railway Company which comes to this House for increased facilities, revising a bargain made with respect to telegraphs many years ago? I think that would violate no principle of equity. The bargain was made when the Railway Companies held the key to the position, and it may be altered when this House holds the key to the Companies. I should be sorry to repudiate any bargain made; but I think we may fairly say, when these Companies are seeking further monopolies, that they ought, as a condition of our giving them facilities and monopolies, to revise their agreement in the matter of these Public Services.

Mr. MOLLOY (King's Co., Birr): The very items my hon. Friend (Dr. Cameron) has just called attention to are items I intended to bring to the notice of the right hon. Gentleman the Postmaster General, but for quite another purpose. For years past the question of underground wires has been discussed on the Estimates. We were told that great progress is being made; but it seems that if great progress is being made in the carrying of wires underground the actual number of over-head wires is increasing. If a calculation were made as to the maintenance of over-head wires, and of the repairs necessary owing to their destruction by storms, and so forth, it would be found that a large economy would be effected if the wires had been carried underground. I wish to know if it is the intention of the Department to put all telegraph wires underground?

Mr. HENNIKER HEATON (Canterbury): I do not desire to enter into the question of the telegraph system of this country, but to say a word or two with regard to the Submarine Cable Service. The Committee is aware that next year the 20 years' monopoly enjoyed by the Submarine Cable Companies for messages to the Continent will expire, and I think hon. Members will agree with me that we ought to put an end to these monopolies, and that we ought to receive an undertaking from the Postmaster General that the cables to the Continent should be worked by the Post Office. I think it is quite possible that, worked by the Post Office, it would be possible to send telegrams to Paris and Germany for 1*d*. a word. Foreign Governments are most anxious that this should be carried out, and I trust we shall receive an assurance from the Postmaster General that he will not renew the contract that is about to expire to the Submarine Cable Companies. There is one other point I wish to refer to—namely, the extraordinary debt on the telegraph lines in this country. We paid an enormous sum for the telegraphs, and now we are saddled with between £300,000 and £400,000 a-year as interest upon the purchase. I maintain that the debt ought to be transferred to the National Debt. If that were done, we should be in a position to go on steadily in respect to the Telegraph Service. At present these are the only matters I desire to call attention to. I trust hon. Gentlemen will support me in asking the Postmaster General for an undertaking that he will not renew the contract with the Submarine Cable Companies.

Mr. RAIKES: The hon. Gentleman the Member for Glasgow (Dr. Cameron) has referred to the relations existing between the Railway Companies and the Government in regard to the telegraphs. I am sure the hon. Gentleman is perfectly sincere when he said that a bargain should be a bargain, and that, therefore, it is practically not within the bounds of equity for the House of Commons to seek to review arrangements which have been legally made and entered into with the Railway Companies. We may regard the arrangements as not being as advantageous to the State as we could wish, and we may think that there was in making them something of the same lavishness which characterized the purchase of the telegraphs themselves. The Government could not, without a breach of equity, attempt to interfere with the arrangements existing between them and the Railway Companies in regard to the maintenance and support of the telegraph wires. If it were open to the Post Office at this moment to arrange the matter *de novo*, I should hope to make a much better bargain; but, as the matter stands, there is little use in indulging in vain regrets. The hon. Gentleman who spoke from below the Gangway (Mr. Molloy) went on to refer to underground wires. I ought to have prepared myself with the actual figures and details as to the present state of our underground telegraph communication. I have not done so, however; but at a future day I shall be glad to arm myself with all necessary information; and when opportunity arises I shall be glad to give it to the hon. Member. We are materially developing the underground system; and I would take this opportunity of correcting a popular misapprehension as to the overhead telegraph wires. There is a general impression amongst the public that the wires which are seen overhead in London belong to the Post Office, and are under Government control. That, however, is not the case. The numerous wires which are seen overhead in the Metropolis are mostly the property of the Telephone Companies, and do not belong to the Government, and are not under the control of the Postmaster General. As to the development of the underground system throughout the country, I am afraid this House would not be prepared to sanction the expenditure which would be necessary to take all the wires underground. An outlay of about £1,500,000 would be necessary for establishing the system throughout the country, and considering the difficulties we should have to encounter not only in the House of Commons, but from the Chancellor of the Exchequer, I should hardly like to present so large an Estimate for the general substitution of the underground for the overhead system. The Committee must not lose sight of the fact that the overhead system, after all, possesses some advantages. Overhead wires are much more easily repaired, and you must always bear in mind that it is possible, if you have an underground system, that the ground under which the lines run may become built upon, and that you may experience a difficulty in getting at the wires when you want to. You never can exclude the possibility of requiring to carry on the repairs on an extensive scale. However, the whole matter is being carefully looked into, and I may at once inform the Committee that the Department are certainly of opinion that, as regards the Metropolis and the larger towns, it is most desirable to substitute the underground for the overhead system. I think hon. Members and the public generally will have noticed the wonderful celerity with which, in the unexampled severe weather we had last winter, the overhead telegraph wires which were broken down were repaired by the Telegraph Department; and I cannot refer to this matter without referring in the highest terms to the assistance received from the Royal Engineers, who so ably seconded the efforts of the Department in restoring order out of the chaos which occurred on that occasion. In regard to submarine cables, the subject has been spoken of as if there was a concession by the British Government to the Submarine Companies. There is, however, no such concession. The only concession which the Companies have is from the French Government. There will be negotiations between the two Governments — in fact, negotiations have already begun as to the policy which should be adopted when the concession from the French Government comes to a natural end; but I trust the Committee will not press for any more positive statement as to what the policy of Her Majesty's Government will be. It will be evident to the Committee that in dealings of this kind with the French Government Her Majesty's Advisers should have a free hand, and that we should not be hampered by declarations made here which would be laid hold of out-of-doors. The country, I think, fully recognizes the paramount importance of the Government retaining control and command over the telegraphic means of communication between this country and the Continent, and I think the Committee will remain satisfied that nothing will be wanting on the part of Her Majesty's Government in their negotiations with the French Government to give effect to that which we believe to be the feelings of the public.

Dr. CAMERON: I feel somewhat disappointed at the reply of the right hon. Gentleman to the remarks which fell from me. He said it is no use crying over spilt milk, and I quite agree with that. He says it is not proposed to extract from the old Telegraph Companies any portion of the extravagant sum that was paid for plant. I did not suggest anything of the kind. I say that when a Railway Company comes to us and asks for fresh advantages, for leave to extend its lines, that we have a fair right to say—"You must, as a preliminary to our agreeing to consider the possibility of granting you any fresh monopoly, reconsider the terms of your bargain with us." It is a monstrous thing that we should consider ourselves compelled to pay upwards of £100,000 a-year for way-leaves and services that belong to the nation as a matter of right, and which we should be justified in enforcing as a condition of granting new privileges. When the minimum charge for a telegram was 1*s.*, of every 1*s.* handed in to the Railway Telegraph Offices 3*d.* went to the Railway Company and only 9*d.* to the Government. The object with which the railway telegraph lines were left to the Railway Companies was to enable them to regulate their traffic, and so long as those private telegrams were confined to the regulation of the traffic no one could object to that arrangement; but that privilege has been taken advantage of for all kinds of absurd purposes. For instance, an official witness told the Postal Telegraph Committee of a certain Railway Director who wished to obtain a box of pills from London, and who availed himself of his privilege to use the telegraph, free of charge, in order to effect his desire. In this way the railway privilege is made use of, not for the purpose of facilitating traffic, but to a large extent for the purpose of ordering luncheons and ordering beds at railway hotels, and so forth. And this right on the part of Railway Companies of franking telegrams is not confined to the telegraphic system along the railways, but extends all over the telegraph system. I think the present arrangement might be revised without injustice; and I think it would be very important that it should be revised—seeing that a saving of many thousands per annum might be effected when the railways come to ask for fresh privileges. All I ask the right hon. Gentleman to do is to inquire into and investigate the relative cost of the Services, with the view of doing away with those privileges enjoyed by the Railway Companies when they come here to ask for fresh monopolies as the price of granting them these fresh monopolies. [Mr. RAIKES dissented.] The right hon. Gentleman the Postmaster General does not seem to care about this idea; but I assure him it is one of the most practical pieces of economy that could be effected in connection with our telegraphic communication. An obvious economy might be brought about which would result in considerable saving. As the right hon. Gentleman does not appear to appreciate the suggestion, in order to call his attention to the point more closely I will move the reduction of the Vote by £25,000.

Motion made, and Question put, "That a sum, not exceeding £1,475,248, be granted for the said Service."—(*Dr. Cameron.*)

MR. MOLLOY: Must we wait, Sir, for this Division before going on with the general discussion?

THE CHAIRMAN: The more convenient course, no doubt, would be to take this Division before proceeding with the general discussion.

The Committee *divided*:—Ayes 60; Noes 132: Majority 72.—(Div. List, No. 186.) [10.45. P.M.]

Original Question again proposed.

MR. SHAW LEFEVRE (Bradford, Central): Before this Vote is taken, I should like to call the attention of the Postmaster General to the results of the adoption of the 6*d.* telegram. I understand the right hon. Gentleman a short time ago stated that the result of the account of last year was that there was a deficit of £500,000. I presume that is based upon the estimate of £350,000 interest on the capital expended in the purchase of the telegraphs from the Telegraph Companies—on the £11,000,000 or £12,000,000 that was given for telegraphs. I think it includes also the £100,000 or £150,000 for new plant purchased within the year, and for new sites, &c. and a large new expenditure for new post offices and telegraph offices in the City. I should like to hear what the right hon. Gentleman has to say about this. Then I should like to know if the income derived from telegrams since the introduction of the 6*d.* telegram has not been in excess of what it was anticipated it would be; and whether there has not been a greater increase in the net receipts owing to the adoption of the 6*d.* telegram than would otherwise have been the case? If I am rightly informed, there was last year an increased receipt from the Telegraph Service owing to the 6*d.* telegram of no less than £100,000. I wish to know whether that is the fact, and also whether a similar increase is not expected for the current year? So far as I am able to judge, from figures before the House, the finance of the 6*d.* telegram has turned out much better than was expected; and though it may be a long time before the Telegraph Service pays profit, or pays the interest on the capital funds, yet the account is much better than we had reason to expect, and paves the way for hopefulness for the future. There is reason to believe that before long we may see such an increase and profit as will enable a small amount to be set aside in the shape of interest on capital. The Telegraph Service, some three or four years before the introduction of the 6*d.* telegram, showed a very bad state of account. The receipts were almost stationary, and the expenses were increasing year by year, owing mainly to the large increase in salaries which took place in the Service four or five years ago. In fact, long before the introduction of the 6*d.* telegram the account was becoming a very bad one, and I think that the change from the old system to the new has given a spring to the telegraphic receipts which is very promising. The receipts are so largely increasing that there is reason to hope that they will soon show a net profit.

Mr. T. P. GILL (Louth, S.): There is a question I should like to ask the right hon. Gentleman the Postmaster General, which I think is very pertinent to the points in discussion, and which is within his province to consider. I would recommend for his consideration the desirability of adopting the American system of night telegraphic messages. Under this system telegrams could be sent at 12 o'clock at night or 2 o'clock in the morning, and if the sender does not wish the persons to whom the telegrams are sent to be disturbed at that hour the messages can be held over until the morning. In the United States they charge less for these night messages than for the day messages. You can go into the telegraph office at 3 or 4 o'clock in the afternoon, and call for a printed form, which is printed in a different coloured ink—it is just the same as the form for day messages, only it is printed in red ink—and you say you want to send a night message. Perhaps it is too late to send to the town you want to send to, but you can send your message, no matter what hour, at a less figure than the price of an ordinary day telegram, and that is a matter of great convenience to a number of people who miss the post, for example, but who want their communications to get to the person addressed the very first thing on the next morning. When I was in Dublin I wanted to send a telegram here at night, to be delivered very early in the morning, but certainly not at that time of night. But they would not take that message at Dublin unless it was to be delivered right away. So I had to arrange for a servant to be up very early in the morning—to be up before I was up myself—and that was very inconvenient. The clerks of the Department in America keep these night messages until night, and they send them off when the line is clear, and then they are delivered at the house they are addressed to first thing next morning. That is a very great convenience to many gentlemen, a great many of whom would not otherwise use the telegraph at all, but they do use it in this way, and I believe from what I have heard that this system has the effect of increasing the profits of the Department, and is very useful indeed.

Sir WILLIAM HARCOURT (Derby): Mr. Courtney, I want to ask the Postmaster General one question with reference to the remarks of my right hon. Friend behind me (Mr. Shaw Lefevre), who took, I think, a very rosy coloured view of the Post Office Telegraph Revenue, which I should be very glad to hear justified by the Postmaster General. About a week or two ago I asked the Chancellor of the Exchequer for some figures, which, when supplied, certainly did not altogether bear out that view. I have for some time looked with considerable alarm at the loss to the Revenue in recent years from the Postal and Telegraph Services. If you look at *The Statistical Abstract*, you will see that the net profits of these two Departments have year by year been growing less and less, both upon the Postal Service and upon the Telegraph Service. In the year 1880-1 the Telegraph Service as near as possible paid the interest on the money that had been expended in its purchase within about £1,000, so that in that year the Telegraph Department may be said to have just paid its way—the interest on the purchase money and the working expenses. But for several years it has not paid its working expenses, and has paid no interest whatever on the £10,000,000 or £11,000,000 expended in the purchase originally. That, no doubt, is a very disastrous business concern, that you should lose altogether the £10,000,000 that you paid, and, after that, that you should find it does not pay its working expenses. I think, if I remember rightly, for I have not got the figures here, that the loss upon the Telegraph Service is something between £100,000 and £200,000 a-year upon the actual working expenses. Now, in the year 1881 the receipts of the Telegraph Service were £1,600,000, and in the year 1886 they were £1,740,000, showing an increase in the receipts of £140,000. But if you come to look at the expenditure, you will find that the increase of expenditure was from £1,226,000 in 1881 to £1,741,000 in the year 1886—that is to say, you had added more than £500,000 a-year to your annual expenditure, and had increased your receipts only £140,000. Now, the real fact is, according to the figures which were given to me by the Chancellor of the Exchequer, that we are losing £500,000 a-year by the telegraph business. I do not deny for a moment that large additional accommodation is given to the public; but we should perfectly understand what is the cost at which it has been given. We should keep that well in our view. It is all very well to say that the Post Office and Telegraph Department ought not to make any profit at all; but you cannot have your cake and eat your cake. If you choose to give up that profit you must find a sum which was £3,230,000 in 1881—amounting to 1½*d.* upon the Income Tax—and which has been steadily growing every year since—you must make up that deficiency out of other taxation. Well, now, one reason that has been given is true no doubt. The Telegraph Service and the Post Office Service differ from ordinary businesses in the fact that they have no working capital. They have to find whatever is wanted for extra service out of the Revenue of the year. Then, we are told that this money has gone in additional plant. I can understand that for a year or two; but I want to know from the Postmaster General when we shall get to the end of this story of additional plant? I know that in—I forget what year, but I think it was 1883—the operations were begun for the 6*d.* Telegraph Service, and then we were told that they caused an additional expenditure; but I did hope and believe that it would come to an end—that the plant would be made perfect, and that we should then have an account to the good instead of to the bad, as we have now in the Telegraph Service, and that that Service would at last pay its way. I should be glad to have some information upon this point. I should like to know what is the prospect of the Telegraph Service paying its way, and what hope there is of our returning to the condition in which we were six years ago, when it not only paid its way in the matter of working expenses, but paid the interest on capital as well. The same thing, though not to the same extent, is true of the Post Office. I think the——

Mr. HENNIKER HEATON (Canterbury): I rise to Order, Sir. We have already discussed the Post Office Vote, and I was ruled out of Order for referring to a matter already settled. I put it to you, Mr. Courtney, whether the right hon. Gentleman is in Order in dealing with the Post Office on this Vote?

The CHAIRMAN: The question of the Post Office has certainly been settled on the Post Office Vote.

Sir WILLIAM HARCOURT: I was out of Order, no doubt, in referring to the Post Office. But I will only say that it is very desirable that we should keep our eyes open to this matter, because it is of great importance that we should not part with any legitimate source of revenue that can be brought into the Service. I only make these remarks in defence of the Treasury. I think it is of great importance to defend them from the assaults to which they are exposed from all sides in this House, especially by the hon. Member (Mr. Henniker Heaton) who has just had me called to Order. He is a formidable danger to the public Revenue; but I can assure the occupants of the Treasury Bench that they will always find me ready to support them in resisting the demands which the hon. Gentleman is in the habit of making upon them. There is nothing easier than to part with revenue on any occasion; it is always very popular. You were told in the case of the telegraphs, I remember, that the 6*d.* telegrams would pay. Well, they do not pay. If people would say—"We know the particular thing we ask for will not pay; but we ask you to embark on it, knowing that it will be a losing concern," then it would be put on its true footing. These demands are always being made, and I do hope the House of Commons will not press them, and so throw away more of the Post Office and Telegraph Revenue, but will endeavour to protect the Treasury against these assaults which are so constantly made upon them.

Mr. RAIKES: I am sure, Mr. Courtney, that anyone occupying my position must be very grateful to the right hon. Gentleman (Sir William Harcourt) for the observations he has just made, which constitute a very efficient support to the Government under the circumstances in which we are placed. But the figures which the right hon. Gentleman has quoted do not exactly coincide with those which I have here, though practically they are pretty much the same — the difference probably arising from the fact that my figures here are taken from the Appropriation Account, and his from the Estimates for the year. If I venture to repeat the figures of the last seven years in reference to the telegraphs you will see what the facts are. In the year 1880-1 the revenue from the telegraphs amounted to £1,600,000, and the expenditure was £1,286,000; the surplus was £313,000, which very nearly met the interest on capital, amounting to a sum of £326,000. We were only £13,000 to the bad on the telegraph system in that year. In the following year, the interest on the capital remaining, of course, the same, I find that the revenue increased to £1,630,000, and the expenditure increased to £1,424,000. That was, I think, the first year in which the additional expenditure which Mr. Fawcett proposed began to operate. In the following year the revenue was £1,710,000, against an expenditure of £1,567,000. Thus it will be seen that the revenue continued to increase, but the expenditure increased much more rapidly. In 1883-4 the revenue was £1,745,000, but the expenditure reached the amount of £1,795,000. That, therefore, is the first year in which there was a deficit independently of the constant deficit caused by the interest on capital. In 1884-5 the revenue again slightly increased to £1,760,000, and the expenditure was £1,805,000. In 1885-6 the revenue was £1,740,000—£20,000 less than in the preceding year—while the Expenditure had mounted up to £1,818,000. That falling-off in the revenue was owing, no doubt, to the fact that it was the first year in which there were two months of the new tariff for the 6*d*. telegrams. The right hon. Gentleman will, no doubt, remember that it was estimated by the Chancellor of the Exchequer at the time that there would be again a loss on the following year on the telegraphs, owing to the progress of the 6*d*. rate; but I am happy to say that those melancholy anticipations were not borne out by the facts, and that a considerable increase took place in the revenue, which rose from £1,740,000 to £1,830,000, an increase of £90,000. But, at the same time, the expenditure rose from £1,818,000 to £2,053,000. These figures, I should say, are estimated figures; but I believe they very closely represent the facts. Therefore, in the last financial year our position is, that we had a permanent charge against the revenue, in the shape of £326,000 interest on capital, *plus* an actual deficit on the working of £223,000; so that, on the whole, the figures came out last year, giving a deficit of something like £550,000, which, if you compare it with the deficit of 1880-1, which was only £13,000, shows, unfortunately, a decline altogether in the telegraph account of something like £530,000. Well, these are the figures which the right hon. Gentleman wished to have.

Mr. SHAW LEFEVRE: May I ask how much of the Expenditure in this last year was of an exceptional character—for plant, &c.?

Mr. RAIKES: I am just coming to that. I was going to analyze it shortly. The expenditure first began to increase very much in the year 1882-3, which represents the time when Mr. Fawcett's scheme assumed its full development. In that year there was an increase of Expenditure of about £140,000. That represents, I believe, the additional salaries and wages which Mr. Fawcett succeeded in obtaining for the *employés* from the Treasury of that day. But it should be borne in mind that not only were these salaries a very considerable charge, but they continued to rise by annual increment, and we have not seen the last of this increase yet. Some portion of the additional expenditure for each year is due to this natural automatic process by which these salaries are increased. That would account, therefore, for a moderate increase in the expenditure of the following year; but it does not, of course, at all represent the very rapid leaps and bounds by which the expenditure has gone up. There is an increase between the years 1882-3 and 1883-4 of about £230,000, and again there is a very slight increase in the following year. Well, a good deal of that, no doubt, is attributable to additional plant, and if you use the word "plant" in its largest sense a very large portion indeed of the expenditure of last year is owing to that. The total sum again, it is estimated, represents the expenditure on the telegraphs in the course of last year is £2,053,000, while about £230,000 or £240,000 represents the expenditure in additional plant under the Sites Act. There is, no doubt, the expenditure for sites, and it is very hard to fix anything like a normal figure for that; but if you assume, as you perhaps may, that the extra expenditure of the Telegraph Branch for sites represented between £100,000 and £150,000 last year, then that amount may be regarded as an exceptional expenditure. The right hon. Gentleman (Sir William Harcourt) asked me to point out some future time at which there will not be that increase of expenditure on plant. I wish that I could prophesy; but I have not been able to do so, and all that I will venture to prophesy is that so long as the telegraph business of the country continues to increase as largely as it has done, so far from anticipating a cessation of demands for additional sites and buildings, I apprehend that you are likely to see it constantly increase. I think I can give some figures now with regard to what the right hon. Gentleman the Member for Bradford (Mr. Shaw Lefevre) wished to have some information upon. He wished to have the figures with regard to the telegraphs account during the time since the new rate came into operation. I should say that the right hon. Gentleman was anxious, some time ago, that I should give him a distinct account of the telegraph business in one week before the 6*d.* telegrams came into operation, as compared with one week since they were started; but it has been found a matter of such immense labour to work out these details that some time must elapse before I can give the precise figures. But I may say that the telegrams sent per week for some time past have exceeded 1,000,000, and that number of 1,000,000 you may safely compare, roughly speaking, with between 700,000 and 800,000 per week for the preceding year, that being a year in which the 6*d.* telegrams had already come into operation. Now, I will give these other figures. The 6*d.* telegram system came into operation on the 1st of October, 1885, and during the first year the total number of inland telegrams sent at the new rate was 37,692,000, as compared with 24,615,000, the number sent in a corresponding period under the old tariff. That is to say, there was an increase of 52 per cent. The receipts were £1,275,000, as compared with £1,313,000, which shows a decrease of £37,000 in the Revenue. But the sum of £21,500 was made by the registration of abbreviated addresses; and, therefore, the total falling-off in consequence of the operation of the 6*d.* telegrams was £16,000. For the 10 months of the financial year to the end of last year the number of telegrams was 33,906,000, as compared with 24,645,000 in the corresponding 10 months of the preceding year, showing an increase of 40 per cent in a similar period. The receipts for telegrams and for the registration of abbreviated addresses was £1,172,000, as compared with £1,117,000, showing an increase of £55,000. Then I can give a comparison of four months of the 6*d.* telegrams. Up to September last 6*d.* telegrams were compared with 1*s.* telegrams; but in the four months from September onwards the comparison has been between the number and revenue of messages under the new rate. For the four months an increase has been obtained of 1,553,000 in the number of telegrams, and of £51,000 in the amount of revenue. These figures will show that the 6*d.* telegram system at this moment may be said to be still almost in its infancy. The progress has been so rapid that it is almost impossible to forecast what dimensions it will attain. Anyhow, there will continue to be a constant growth of the number of telegrams sent, and a corresponding growth of revenue; but at the same time, *per contra*, there will be a continual growth in the establishments required, and a continually increased expenditure in plant, &c. It is impossible, I think, therefore, to say, as a matter of fact, whether the reduction of the price of telegrams to 6*d.* has really paid its way or not. It is quite plain that in the first year of its introduction it produced a loss of revenue as well as an increase of expenditure. In the course of last year it produced a considerable increase of revenue and a considerable increase of expenditure; but we hope that in the course of the coming year the revenue will still continue to increase, while the expenditure will certainly be in some degree diminished. That being so, I confess that I look with some hope to the future of the 6*d.* system; but it will, no doubt, have an influence in demanding fresh plant, which will greatly disturb any calculations that may be made. I may be permitted to say one word with regard to the extreme embarrassment cast on the Post Office by the necessity of making these charges for additional buildings out of the income for the coming year. I do not know whether the right hon. Gentleman (Sir William Harcourt) turned his attention to this subject when Chancellor of the Exchequer, or whether my right hon. Friend (Mr. Goschen), who now fills that Office, is disposed to take it up; but it is a source of serious embarrassment to the Department, and to those who administer the affairs of the country, that all our calculations should be made unsound, and all our averages of little value, by the fact that £200,000 or £300,000, or even £400,000, may be required for buildings in any particular year. We have just passed through a period of that sort, but I find the demand for buildings still continues, and that the sites we have already are hardly adequate for our requirements, and no long time will elapse before I shall have again to apply to the Treasury for some assistance for further space for our requirements. I may now give some attention to the remarks which have been made by the hon. Member for Louth (Mr. T. P. Gill). Inquiry has been made into that system to which he has referred as practised in America, and which he calls night telegrams; but it would require a very great deal of consideration before it could be properly launched here. We have to consider whether we should not interfere with our existing revenue if we introduced a cheaper form of telegram which would compete with the present already cheap form. That must be considered, and it would probably be unfair before the 6*d.* telegram has grown up to start a rival to it. But I cannot help hoping that no long time will elapse before that experiment may be made, and I shall be glad to receive any information which the hon. Member may have upon that point, or, indeed, on any other that is connected with this particular subject.

MR. SHAW LEFEVRE (Bradford, Central): I have to thank the right hon. Gentleman for his very interesting and clear statement as to the result of the introduction of the 6*d.* telegrams. I think, on the whole, this statement is rather re-assuring as to the future. It shows that the actual number of telegrams has increased very much more largely than we anticipated; at the same time that the average payment per message is lower than we expected, so that the two balance each other. When I persuaded the House, two years ago, to adopt the 6*d.* telegram, I estimated that the increase in the number of telegrams would be about 30 per cent. It seems, however, that the first year the increase was 40 per cent, and that the second year a further increase amounting to another 50 per cent took place. On the other hand, the public have learned very much more quickly than we expected how to economise in the addresses, and the average received per message has been, instead of 10*d.*, as was anticipated, only something like 8*d.* I told the House, when I proposed the scheme of the 6*d.* telegrams, that they must abandon all idea of making interest on the plant in future, and I warned the Treasury of this when the scheme was before them. I said that though we must expect a large increase on the number of telegrams, in all probability the cost of the Service would go on increasing relatively, and that, therefore, we could not expect a large profit; at all events, not enough to pay the interest on the capital in future. The House and the country were aware of that when I adopted the scheme, and all I had to do was to urge these points upon the House in order to induce it to adopt this scheme, instead of urging on the Government a more expensive one. On the whole, I think the figures laid before the Committee have been rather reassuring. At all events, I think we may look forward, at no distant date, to the Telegraph Service reaching a point that there will be no loss in the business, though we might not be able to pay interest upon capital. I agree with the right hon. Gentleman as to the difficulty in connection with the cost of the Post Office buildings. At present there is a charge to the Telegraph Service of one-third of the cost of the Post Office buildings, and all the new buildings required for the Post Office and Telegraph Services. I would question whether that is not an unduly high proportion to allot to the Telegraph Service, and I would suggest to the right hon. Gentleman that he would reconsider this point. I think the proper proportion would be to take the expenditure on the plant in the two Services and the total receipts for the two Services, and balance one against the other, and draw an average to be paid by each. The inconvenience the right hon. Gentleman complains of is that one year we may have a large expenditure to face, such as that incurred on new buildings in the City of London—something like £400,000—which disturbed all the averages for some years to come. I cannot help thinking that some system should be adopted to prevent this charge coming in one year, and in this way disturbing all our averages. When you have to meet payments so large as this in one year it disturbs your whole accounts. At the same time, I agree with the right hon. Gentleman that there will be expenditure required for increase of plant for the extended Service, though possibly not quite so large in amount as it has been within the last two years. I would suggest to him the reconsideration of the proportion charged to the Telegraph Service and that charged to the Post Office in the sense in which I have spoken. I think a larger proportion ought to be charged to the Postal Service, and a less proportion to the Telegraph Service. The fact is that the profits on the postal part of the Service have been much larger of late years than those from the Telegraph Service, and can bear much more easily a high charge of this kind.

MR. DE LISLE (Leicestershire, Mid): Some of us on this side of the House are really anxious to see economy much more carried out, provided this can be done with due regard to public efficiency. I, for one, should like to see Her Majesty's Post Office take steps to get rid of the anomalous state of things under which the telegrams of private individuals cost the country something like £500,000 a-year. I should like to see the scheme proposed by the hon. Member for Canterbury (Mr. Henniker Heaton) carried out—namely, the adoption of a system of Imperial 1*d.* postage. I think this would make emigration to the Colonies more easy and popular, and this would be an enormous economical advantage; and as I am not in the habit of making a criticism upon an existing state of things, unless I am in my own mind prepared with a scheme by which I consider a re-arrangement could be carried out, and am able to suggest a remedy, I would propose that it might be worth while to take into consideration the abolition of what is called the ½*d.* per word system of charge for telegraphing. At present, for every word after the first 12, ½*d.* is charged; but I would propose that the sum in future should be 1*d.*—*i.e.*, for every two words or part of two words. This would be to the advantage of the Post Office. It would save the clerks the troublesome ½*d.* calculations, and the public some inconvenience—at some slight cost it is true. I would suggest, therefore, that the Post Office should take into consideration whether it would not be as well again to examine the tariffs. The right hon. Gentleman the Postmaster General does not anticipate for some years that there will be a saving in this Department. He cannot expect to carry out any reforms unless they are established upon a real sound financial basis, and I hope that next year Her Majesty's Government will see their way to adopt this system I propose, or some other, which will wipe off this State subsidy of £500,000 to those who use the telegraphs.

MR. T. P. GILL (Louth, S.): The right hon. Gentleman seems to think that the adoption of the suggestion I made with regard to night telegrams would involve considerable risk of expenditure and consequent loss; but I do not think he is quite right in that matter. I would suggest, if he fears that result, that he should charge for the messages I refer to the same as he charges for day messages at present.

Mr. SINCLAIR (Falkirk, &c.): As to the very great advantage which is derived by those who live in America from the system of night messages I wish to say a word. I agree with the hon. Member who has just sat down in thinking that the plan he proposes could be put into practice at an early stage and without any loss to the Revenue at all. The lowest charge now made for a telegram is 6*d.*; and if night messages were introduced, and if double the number of words were sent for 6*d.*, no loss would be incurred by the Postal Authorities on messages of this kind. The cost of delivery for a message of double length is absolutely the same as that of the shorter message, and messages taken in this way would only be delivered on the following morning, although they would be transmitted at a time when the wires were free, and consequently without interfering with ordinary messages. I think, under any circumstances, an experiment with regard to night messages might be tried. That it would be an advantage to the public generally, and also to the Revenue, I have no doubt. I trust it will be tried, and tried at an early date. I am sure it will be found beneficial to places at considerable distances and across country—for instance, from Belfast to Hull or Cork to Glasgow, or from London to Galway and Derry, or to and from any place where letters have to leave early, and can only be delivered late on the following day. Persons engaged in commercial pursuits would find a system of this kind of great value and advantage, and I hope the Postmaster General will take the matter into his early consideration and endeavour to carry out the suggestion which has been made.

Original Question put, and *agreed to.*

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Jackson,*) —put, and *agreed to.*

Resolutions to be reported *To-morrow.*

Committee to sit again upon *Wednesday.*

Mr. T. P. Gill

CUSTOMS AND INLAND REVENUE BILL.—[Bill 241.]

(*Mr. Courtney, Mr. Chancellor of the Exchequer, Mr. Jackson.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

Sir WILLIAM HARCOURT (Derby): This Bill and the Bill that follows—the National Debt Bill—practically go together. The arrangements made under the Customs and Inland Revenue Bill as to the diminution of taxation really involve the provisions made with reference to the Debt in the Bill which will immediately follow. Now, I am perfectly well aware that when the Chancellor of the Exchequer proposes a reduction of taxation he is certain to carry his Bill, whatever it may be. Therefore, it is not with the least hope of successfully opposing this Bill, or even with the intention of opposing it, that I propose to make some remarks on the arrangements which the Chancellor of the Exchequer has laid before the House and the country. The only proposal of the right hon. Gentleman to which I mean to call attention is his proposal to diminish the annual provision for the reduction of the Debt. I have seen that proposal, I must confess, with great regret and considerable alarm in regard to its effects in the future. I do not know whether the Treasury Minute on this subject has been presented to the House; but, at all events, by the courtesy of the Chancellor of the Exchequer, I have had a copy of it, and I have no doubt that it is either now or soon will be before the House. It is perfectly well known to the House that provision was made in 1875 by Sir Stafford Northcote whereby a sum of £28,000,000 was set apart for the service of the Debt. A portion of that sum, amounting to about £6,000,000 out of the ordinary Revenue, together with an additional £1,000,000 or thereabouts from other sources, was set apart to the amount of something like £7,000,000 annually for the discharge of Debt; the difference between that and £28,000,000 being the sum necessarily paid annually to the public creditors as interest on the Debt. That is to say, about £21,000,000 is what we have to pay for the interest on the Debt; and £7,000,000 would be that which has been appropriated for the purpose of the liquidation of Debt. Now, the Chancellor of the Exchequer, in his speech on the Budget and in the Treasury Minute, has endeavoured to reconcile his present proposal with the scheme of Sir Stafford Northcote, by diving into the financial conscience of Sir Stafford Northcote and saying that his proposal was made in a totally different fiscal condition of things from that which now exists. He says that Sir Stafford Northcote thought that a growth of Revenue might be presumed, and anticipated that the Revenue would increase at a rate at least equal to the rate at which the population was increasing. And the right hon. Gentleman says that in the event of any material alteration in the circumstances of the country Sir Stafford Northcote contemplated a modification of his proposal, which was made on the assumption that he could depend on the growth of the Revenue being maintained. The argument of the Chancellor of the Exchequer, therefore, is that Sir Stafford Northcote anticipated a growth of the Revenue which has not taken place, and that, therefore, under present circumstances, he would not have maintained the proposal he made in 1875, but would have modified it by reducing the sum applicable to the liquidation of Debt. My answer is, that the right hon. Gentleman's hypothesis is absolutely negatived by the conduct of Sir Stafford Northcote himself. Sir Stafford Northcote remained responsible for the finances of the country for five years after 1875—that is to the spring of 1880. Now, the Chancellor of the Exchequer has said that the Revenue—I am now speaking of the Revenue apart from the Income Tax—has not increased according to the rate at which population has increased. It has, however, actually increased. The Revenue, apart from Income Tax is now higher than the Revenue was in the time of Sir Stafford Northcote by nearly £2,000,000. The Chancellor of the Exchequer has left out of his calculations all the sources of Revenue not derived from taxes. But he should not have omitted the Revenue from the Post Office, which is now higher than it was in 1875. That is money which is available for the purposes of the country, and should be taken into the calculation of Revenue. The yield of the taxes, exclusive of Income Tax, is now £1,200,000 higher than it was in 1875. If to this you add £500,000 for the increased receipt from the Postal Service, you have an increased Revenue available for the purposes of the country of £1,700,000. Therefore, you have a higher Revenue than you had in the time of Sir Stafford Northcote when he made his proposals for the reduction of Debt; and now I want to test the theory of the Chancellor of the Exchequer that Sir Stafford Northcote, if he had found the Revenue diminishing and the Expenditure increasing, would have diminished the charge for the reduction of the Debt. Now, in 1880 there was a diminution in the receipts from Excise of £2,000,000. That is to say, the receipts from the Excise had fallen from £27,000,000 to £25,000,000; and, consequently, Sir Stafford Northcote was face to face with the very state of things which the Chancellor of the Exchequer speaks of as a failure in the ordinary Revenue. In 1875, the Customs and Excise together produced £46,846,000. In 1880, they only produced £44,695,000; so that there was a falling off in these two sources of Revenue taken together of £2,000,000. If, then, the Chancellor of the Exchequer's theory of the views of Sir Stafford Northcote were true, Sir Stafford Northcote should have come forward and said that the ordinary Revenue was falling, and that another very important thing had taken place—that in consequence of the Eastern policy of the Government, the Expenditure had increased from £65,000,000 to £75,000,000; that there was, therefore, an increase of Expenditure of £10,000,000 between these two periods of 1875 and 1880, and a falling off in the Revenue from Customs and Excise of £2,000,000. And then, according to the Chancellor of the Exchequer, Sir Stafford Northcote should have said—"The circumstances under which I made that proposal for the reduction of Debt in 1875 no longer exist; the fiscal circumstances of the country are changed, and, therefore, I do not think it fit and proper to call on the country to appropriate the same sum to the liquidation of Debt." Well, was that the course which Sir Stafford Northcote actually did take? On the contrary, in 1877, instead of diminishing the fund set apart for the reduction of Debt, he added 1*d.* to the Income Tax; and in 1880, in the last Budget which he produced under the circumstances to which I have alluded, he added £750,000 to the Tobacco Duty, while obtaining an additional sum of £100,000 from the Dog Licences; and this, together with an increase of £3,600,000 on the Income Tax, made nearly £5,000,000 additional taxation which he imposed, while retaining the £28,000,000 for the liquidation of the Debt. Therefore, I say that in answer to the theory of the Chancellor of the Exchequer that Sir Stafford Northcote would have departed from the rule he laid down, in consequence of the changed fiscal circumstances of the country, we have the practice of Sir Stafford Northcote; for, under circumstances more unfavourable than the circumstances in which the Chancellor of the Exchequer now finds himself, he abided by his figure of £28,000,000 for the liquidation of Debt, and met the demand upon him by increased taxation. Sir Stafford Northcote did this, moreover, at a time when there was accumulated deficits for three years amounting to £8,000,000, which were left to be funded; and yet, in spite of that, he made no diminution in the provision for the liquidation of Debt. His successors adopted his policy, and they loyally adhered to it. They insisted, in spite of adverse circumstances, and nothwithstanding the growth of the Expenditure, in maintaining the provisions for the liquidation of the Debt. I do not think that, on this side of the House, we have anything to be ashamed of in the course we have taken in reference to the liquidation of Debt. In 1874, the Debt stood, according to the figures given in Sir John Lubbock's Return at £760,000,000. In 1887, it stands at £705,000,000. There has been, therefore, in that period from 1874 to 1887 a reduction of £55,000,000 on the Debt. That period was pretty nearly divided between the Administration of Lord Beaconsfield and the Administration of the right hon. Member for Mid Lothian (Mr. W. E. Gladstone)—giving about six years to each Party—and out of this £55,000,000, £19,000,000 was paid off by the Conservative Administration and £36,000,000 by the Liberal Administration, through the sums appropriated to the reduction of Debt. But it will be said—"In 1885 you suspended the Sinking Fund altogether." No doubt we did, under the pressure of the great demand which the unfortunate Egyptian War brought upon us. There was a proposal then made by my right hon. Friend the Member for Pontefract (Mr. Childers), which was fatal to that Government. I shall, however, always maintain that it was a courageous proposal founded on sound finance. It was a proposal to meet the demands on the Exchequer by a combined appeal to direct and indirect taxation. It afforded, however, a tempting opportunity to overthrow the Government by rejecting the increased taxation of beer and spirits. I said then, and I repeat it now, that in rejecting that proposal a fatal blow was struck at the sources of Revenue; because the adoption of the proposition of the right hon. Member for Bristol (Sir Michael Hicks-Beach), which overthrew the Government of the right hon. Member for Mid Lothian (Mr. W. E. Gladstone), made it almost impossible for any future Chancellor of the Exchequer to make any proposal for the increase of indirect taxation. A still more fatal blow is struck at our fiscal system by the proposal of the present Chancellor of the Exchequor. The first Government of Lord Salisbury struck a blow at indirect taxation. The second has struck a blow at the provision for the reduction of Debt. For 10 years the system inaugurated by Sir Stafford Northcote has been pursued partly by himself and still more extensively by his successors. We were obliged, it is true, in 1885 to suspend the provision for the Sinking Fund for a single year. But in the following year it was my duty to consider what should be done, and I then determined to restore the system *in integro* and to re-instate the Terminable Annuities. What could have been easier than for me last year to have adopted the view of the Chancellor of the Exchequer, and said, "Times are changed since the time of Sir Stafford Northcote. The Income Tax is much higher. It is perfectly easy by reducing the provision for the Debt by £4,000,000 to take 2*d.* off the Income Tax;" or I might have gone further and taken 3*d.* off the Income Tax by using £6,000,000 of the sum set apart for reduction of Debt for that purpose. But I thought this would be unsound finance; and I, therefore, resisted the temptation to make any proposal of that kind. It is true I made a temporary provision—there being an apparent deficit at that time in the Budget—to suspend some of the smaller Sinking Funds in order to meet that deficit. I might have made the Bill for that purpose contingent on the necessity arising. As a matter of fact, the necessity did not arise. It was not necessary to divert that money at all. The Revenue fortunately increased, and the Revenue of the year was sufficient to meet the Expenditure of the year without interfering with the provision for the reduction of Debt. The money suspended under the new Sinking Fund came back under the old Sinking Fund in the form of a surplus. Therefore, the whole amount appropriated under Sir Stafford Northcote's system to the liquidation of Debt was actually applied last year to that purpose—at all events, within a few thousand pounds. That was the condition of things which the present Chancellor of the Exchequer had to deal with. But he was more fortunate than I was, for in consequence of the improvement in the Revenue, he was in possession of a surplus; and yet, not having to encounter a deficit as I had in 1886, he has come forward and proposed to diminish by £2,000,000 the provision for the liquidation of the Debt. Let me read a sentence from Sir Stafford Northcote's speech, in which he said that under changed conditions of things a changed policy might be followed. I have shown that under a changed condition of things, more serious than that which the right hon. Gentleman the present Chancellor of the Exchequer has to deal with, Sir Stafford Northcote adhered to his plan. But there was one sentence in the speech to which I have referred of which I will remind the Chancellor of the Exchequer. Sir Stafford Northcote said—

> "I may be told—'Do, please; but you will never be able to bind future Parliaments; and the very first time that a Chancellor of the Exchequer wants to raise an additional Revenue, without increasing taxation, he will put an end to your Sinking Fund, and will shatter all your dreams of reducing the National Debt by some hundreds of millions.'"

But, said Sir Stafford Northcote—

> "Few Chancellors of the Exchequer would like to come down to this House and propose the repeal of an Act of Parliament establishing a Sinking Fund of this character, on the plea that they did not like to increase the taxation of the country."—(3 *Hansard*, [223] 1043-4.)

He did not contemplate that a Chancellor of the Exchequer would come and propose to suspend the Sinking Fund in order to reduce taxation. Undoubtedly the reasons which the Chancellor of the Exchequer has given for his proposal are not such as would have induced Sir Stafford Northcote, in 1880, to depart from the course he then adopted of increasing the taxation of the country by £5,000,000. When he originally brought forward his proposal for the reduction of the Debt, Sir Stafford Northcote said that we were then only paying £26,000,000 for the service of the Debt. He added that that was the lowest sum ever devoted to this purpose, and he remarked that he thought it unfit, and, indeed, unworthy of this country, that so small a sum should be thus appropriated. He reminded the House, at the same time, that our ancestors, in former days, had paid £28,000,000—or even more. When the Funded Debt, at the end of the great war in 1817, was upwards of £800,000,000, and the long annuities were in existence, the amount paid by this country—with its small population, and its very small wealth compared with that which we now enjoy—for the service of the Debt was £35,000,000. When you consider that the country, then impoverished by war, and with its comparatively small population, was able to devote £35,000,000 to the service of the Debt, the fact that we now shrink from appropriating £28,000,000 to the same object seems to show that we are rather wanting in financial courage. The proposal before us, let it be remembered, is a proposal made by a Chancellor of the Exchequer having a surplus in his hands to deal with. Under those circumstances he comes forward, and, for the purposes of a popular Budget, he throws away the provision for the liquidation of Debt while he is actually in the possession of a surplus. What is the inevitable consequence of that? Why, no future Chancellor of the Exchequer can ever resist following such an example. Every argument the right hon. Gentleman has used in defence of his present proposal is equally applicable to the remaining £5,000,000 still devoted to the reduction of Debt. The right hon. Gentleman can say next year, or any future Chancellor of the Exchequer can say—"The Revenue is not increasing as much as Sir Stafford Northcote expected, therefore, let us take off £2,000,000 more. In the time of Sir Stafford Northcote the Income Tax was 2*d.* in the pound, it is now 7*d.*, therefore, let us again diminish the taxation imposed for the reduction of Debt. There is no virtue in this £26,000,000 higher than the virtue which applied to the £28,000,000. You have begun a descending scale, where there is no means of stopping. It is like breaking a hole in a dam, through which the water pours, and the breach becomes greater and greater; and it will be absolutely impossible in the future to defend any provision for the liquidation of Debt. The Chancellor of the Exchequer of the future will always be able to use the same arguments which the right hon. Gentleman has employed. The arrangement made by Sir Stafford Northcote has, in my opinion, at once and for ever gone by the board. I have another great objection to this system of finance. I can only describe it as extravagance made easy. I am happy to hear that a single voice—that of the last Chancellor of the Exchequer—is crying in the Tory wilderness for economy; but it meets with no response, least of all from the present Chancellor of the Exchequer. The whole of this arrangement is not due to any deficiency of Revenue. I have shown you that the Revenue of this country has increased since the time of Sir Stafford Northcote. What has, also, increased in a terrible ratio is the Expenditure of the country. I am afraid, moreover, that we have now a Chancellor of the Exchequer who is favourable to an increase in our Expenditure. My right hon. Friend, when he sat behind us, was the advocate of great military and naval establishments, and of the policy which requires great military and naval establishments; and when you have a Chancellor of the Exchequer favourable to a policy which requires great military and naval establishments, and ready to meet their cost by proposals for cutting down the sum available for the liquidation of Debt, the final result must inevitably be most serious to the finances of the country. A few years will remove the £5,000,000 now remaining for the liquidation of Debt. No future Chancellor of the Exchequer—I care not to what Party he belong—can help following the example of the present Chancellor of the Exchequer; and when you have swallowed up that £5,000,000, what remains? Why, the proposal you have heard from the First Lord of the Admiralty (Lord George Hamilton). The suggestion that you should borrow money on Terminable Annuities to meet your naval and military expenditure will be repeated. Recollect we have already had proposals from the Benches opposite for borrowing £5,000,000 to meet that expenditure. With this policy of large expenditure thus encouraged, you will not only get rid of the provision for the reduction of Debt; but you will have a system of borrowing on Terminable Annuities, in time of peace, in order to meet your increased Expenditure. That is the system which my right hon. Friend has inaugurated. For every reason I deeply regret this proposal. I regret it not merely for the £2,000,000 which it has put an end to, as a provision for the liquidation of Debt. I regret it still more on account of the fatal example which it sets for further progress in the same direction. But I regret it most of all because it is the greatest encouragement yet given to that system of extravagance which we should set our faces against. If the public agree to the suspension of the provision for the reduction of Debt in order to keep up military and naval establishments at their present unnecessary height, and to relieve the people from the inconvenience this may cause in the form of taxation; and if they do this by either cutting down the provision for the discharge of Debt, or by assenting to proposals such as that made by the First Lord of the Admiralty for borrowing money on Terminable Annuities to carry on this expenditure in time of peace, then it is clear that we are creating Debt as much as we should do by borrowing money. It was an established principle, when wars were more frequent than they are at present, that you should in time of peace pay off the Debt which you incurred in time of war. Well, with the unhappy interval of the Crimean War, we have had 70 years of peace since the Great War. How much Debt have you discharged since the close of the Great War? The Debt which then stood at between £800,000,000 and £900,000,000, now stands at £700,000,000. That is to say you have not discharged one-fourth of that Debt in 70 years, which have been years of peace, except for the unfortunate interval of the Crimean War. The debt incurred in the Crimean War has since been discharged; but the efforts we have made in a time of unexampled peace and prosperity to reduce the main body of the National Debt are really insignificant. I have alluded to the sacrifices our ancestors made under very much more unfavourable circumstances. And yet we declare ourselves incapable of making anything like the sacrifices they made. We are now called on to pay £10,000,000 less for the service of the Debt than our ancestors paid in 1817. I do not think that is to the credit of a country with the wealth and the resources of this country. These financial proposals of the Government seem to me to depart altogether from the sound principles of finance established by Sir Stafford Northcote and carried out by his successors, and I am afraid those principles have now been fatally broken down by the present Government.

Mr. BARTLEY (Islington, N.): I should like to say a word on this Bill, and on that which is connected with it. I think it is a grievous mistake to reduce the amount set apart for the liquidation of the National Debt. I think that what the right hon. Gentleman opposite has said is practically correct—that at the period we now have of complete peace, of great riches, and of comparative prosperity, it does seem a great misfortune that we cannot continue to reduce the Debt by the old Sinking Fund amount. We know that if a period of war should arise we should in a few months add to the Debt a very large sum indeed, and this consideration alone, to my mind, is of great weight in pursuing a policy of reduction of debt when we can do so. In reference to the present proposals of the Government for meeting the Expenditure of the country, I would ask first whether these proposals will promote economy? I believe the country demands a very large amount of economy. I would not talk of knocking off £4,000,000 or £5,000,000 at a sweep without knowing the details; but I believe the country demands that there should be an exhaustive and extensive system of complete economy. And I am sure that no Party will remain in favour with the country unless it manages to reduce the enormously increasing taxation of the people. I do not wish to dwell now on the Military and Naval administration. A great deal has been said about that; but I believe that, without doubt, an efficient system of Military and Naval expenditure might reduce considerably the Votes for the Army and Navy. The key-note of economy in the Army and Navy seems, however, to be the policy which the Army and the Navy are employed to carry out. If the Army and Navy are regarded solely as means of protection, and not of defiance, then I believe that a great deal of economy might be exercised; and if this principle is adhered to, as I believe it will be by the present Government, I have no doubt but that, in a year or two, considerable reductions will be made in our Army and Navy expenditure. But there is another source of economy which I should like to speak of, though at this time of night I am not able to go into it at great length. I think, however, that it is necessary we should note the increase in the expense of the different Departments of the country in the present year as compared with previous years. It has been my fortune to spend 20 years of my life in the Public Service, of which I can, therefore, speak with some knowledge; and I am convinced that with care considerable reductions might be made in our Public Establishments. The expenditure, for instance, under the head of Works and Buildings, has increased enormously during the last 30 or 40 years. We have now an expenditure of £1,700,000 on public works and buildings. Twenty years ago it was £900,000; 30 years ago it was £800,000; 40 years ago it was only £500,000; therefore, the expenditure on this Vote has increased more than threefold in 40 years. I will not say that it is unreasonable that there should be some increase under this head of Expenditure. But when we go back to 1848, and see that the Vote for that year included £150,000 for the Houses of Parliament, £100,000 for the Caledonian Canal, and other liabilities that are not now pressing on us, it will be found that the Vote for Public Works for that year was in reality only about one-eighth of what it is now. That does, I think, show that there has, in respect of this Vote, been an undue increase of expenditure. There is, indeed, I fear, in every direction a system of getting more money out of the Imperial Exchequer, and I think we should support the Government in resisting this tendency. Take the Departments of Law and Justice, the expenditure on which has grown so much of recent years that it is now £6,250,000. In 1878 it was only £5,000,000; in 1868 it was £3,000,000; in 1858 it was £2,250,000; and in 1848 it was just over £1,000,000. Therefore, Law and Justice now cost more than sixfold as much as they did 40 years ago. Now, I do not say that we do not get a benefit out of this expenditure. on Law and Justice. But the figures I have given show that the whole tendency and tone of expenditure is to increase out of proportion to the benefits derived; and what I regret in the present financial arrangements for the year is that the Budget has not dealt with this great question, but has found money for a reduction of taxation, not by a reduction of expenditure so much as by reducing the Sinking Fund by £2,000,000. Then closely allied to this subject is the increase of local taxation. The Chancellor of the Exchequer proposes in his Budget to give £320,000 from Imperial taxation in aid of local taxation. Now, in my opinion, that money will be practically thrown away. It can do no good to the localities, for when it is worked out it only amounts to 6*d*. on each acre in the country. The right hon. Gentleman (Mr. Chaplin) who usually sits in this seat expressed gratitude for this donation in the present depressed state of agriculture; but 6*d*. an acre will not set the farmers on their legs. It is a mere drop in the bucket, and absolutely useless as a means for putting things right. I regret, therefore, that this grant has been made. Grants in aid of local taxation have increased largely of recent years; but local taxation has not been reduced. In fact, it may almost be said that the more you give to localities out of the Imperial Exchequer, the greater the ratio in which local expenditure increases. The system of granting aid to localities impoverishes the Imperial Exchequer, while it tends not to reduce local taxation, but usually to increase it. Then there is the growth of local debt along with the increase of local taxation. We think a great deal of paying off £5,000,000 a-year of the Imperial Debt, but we are adding every year £10,000,000 to the local debt of the country. We ought to consider very carefully the growth of the local debt in regard to the Imperial Debt. It is indeed so closely allied to it that we cannot help considering it in connection with this Budget. The local debt is now growing, as I have said, at the rate of something like £10,000,000 a-year; and in the last 10 years, although the National Debt has decreased, the local debt has so largely increased that the two together have increased since 1875 to the extent of £50,000,000. Taking the National and the local debts together, the total indebtedness of the country was in 1875 £861,000,000, while in 1884 it was £911,000,000. Therefore the Debt of the country has increased in 10 years, as I have already said, by £50,000,000. Of course, some of this increase is for purposes that ought to be remunerative; but still, this increased burden of taxation is growing rapidly, and undoubtedly there was in the present year an opportunity of doing something to reduce this heavy burden by stringent economy. The present Budget is very popular, because it reduces the Income Tax; and although we are all gratified at the Chancellor of the Exchequer reducing the Income Tax by 1*d*., and, in fact, hoped it would have been more than 1*d*., yet I think this should have been done without reducing the Sinking Fund, but by promoting economy in the various Departments. I must say that I think that with the present wealthy condition of the country reduction of taxation should not have been secured by reducing the Sinking Fund for the reduction of the National Debt, which I consider ought to be reduced at least as fast in the future as was contemplated by Sir Stafford Northcote's scheme. In my opinion, £7,000,000 is the least we should pay annually for the reduction of Debt. I must say that I think, especially looking to the example of America, we should face with courage the subject of the reduction of the National Debt; and this we can only effectually do by a permanent reduction in the National Expenditure.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): Mr. Speaker, I do not at all complain of the speech just made by my hon. Friend the Member for North Islington (Mr. Bartley). I am glad to see that he is an advocate of economy, and that he is one likely to support the Government in resisting the multitudinous attacks which are made on the Treasury, and which, I am bound to say, receive in the abstract much support in this House. It is the duty of those who sit on this Bench—and I am glad to say that in the fulfilment of that duty we have the support of a former Chancellor of the Exchequer (Sir William Harcourt) who sits opposite—to defend the public purse in several directions. My hon. Friend the Member for North Islington has mixed up several questions. He was, however, anxious to bring forward the growing and important question of the increase of the local debt, and I am glad that he has done so, although it is scarcely *ad rem* in connection with the present subject. There is no doubt it is a matter which deserves the greatest attention. I am glad to hail my hon. Friend as a fellow worker, because I think I was one of the first in this House who called attention to the increase of the local debt, and who warned the public and the House of the great dangers which it involves. It is a very easy way of carrying out local improvement and of meeting other local demands to create local debts; but it is a dangerous tendency which requires to be carefully watched. As my hon. Friend has said, you cannot properly separate the local debt and the National Debt. They must be reckoned together when you deal with the indebtedness of the country. The growing amount of these local debts is a matter of very considerable Imperial as well as local importance; and I am, therefore, glad that my hon. Friend has introduced the subject. But I would point out that there is nothing in the financial plans of the Government which in the slightest degree militates against watchfulness in that respect. We do not touch the local debt. What we touch is merely the indebtedness in respect of advances from Imperial funds for local purposes, such indebtedness having, we think, been advancing with too rapid strides. I have already called attention to the necessity for checking these local loans. It is within the knowledge of the House that pressure is frequently put upon us to increase the assistance given to localities for every possible purpose. In this connection I will recall to my hon. Friend's (Mr. Bartley's) recollection the remarks I made in my Budget speech with reference to the growing expenditure of the Civil Service. My hon. Friend has made a contrast between the Expenditure now and the Expenditure in 1848. I remember that, in a former speech, I drew a comparison between the Expenditure now and that in 1868. I pointed out that the entire increase in the Expenditure was due, not to the increased extravagance of the Government in enlarging establishments, but to the action of the House in passing Resolution after Resolution and law after law, involving additional expenditure in every possible direction. It is of no great service to call attention to the increase of Expenditure unless it is pointed out why and how that increased Expenditure has arisen; and I think that, in my Budget speech, I proved conclusively the mode in which it has arisen, and the circumstances to which it is due. There has been no great increase in the cost of administration. The great Departments are administered at about the same cost now as they were 20 years ago. The increased cost comes from the fresh duties day by day imposed on the Government, frequently against the wish of the Government itself. Again, you cannot entirely leave out of consideration the immense growth of the population since 1848. If the population has grown, of course the cost of education, of the administration of the law, and of many other things, has also increased. Why, in regard to the very service of the Post Office, the cost of which has risen now to £8,000,000, compared with a very much smaller sum in 1848, that is an increase on which the House prides itself as showing the enormous services rendered by the Post Office to the public; and yet my hon. Friend (Mr. Bartley) cited the growth of that expenditure as an instance of the great increases which have taken place. At the same time, I do not complain of the course which has been taken by my hon. Friend. I myself was anxious to call attention to the growing Expenditure of the country in submitting my financial proposals, and I shall certainly not object to the criticisms of any hon. Member in that direction. But I do not think my hon. Friend can fairly say he would have preferred that I should have handled these matters in my Budget proposals, so as to reduce the total of the financial plan which it has been my honour to propose to the House. No doubt, the Chancellor of the Exchequer has, and ought to have, a considerable voice in regard to the Estimates; but still the Estimates are not to the same extent in the hands and on the responsibility of the Chancellor of the Exchequer as those proposals he has to make in order to meet the aggregate amount of Expenditure. It is the duty of the Chancellor of the Exchequer to object to any needless expenditure, and to use his whole influence in cutting down such expenditure; but, at the same time, it cannot be said that in his Budget proposals he can produce a revolution in the whole of the Estimates submitted to the House. I come now to the speech of my right hon. Friend the Member for Derby (Sir William Harcourt) opposite, and I will deal first with that portion of it which resembled the speech of my hon. Friend the Member for North Islington (Mr. Bartley), and which dealt with the Budget in its relation to Expenditure. My right hon. Friend called my proposals, I think, an encouragement to extravagance, and he reminded the House, or suggested to the House, that I had been in favour of large establishments when I sat on those Benches. I do not know whether I understood my right hon. Friend aright.

SIR WILLIAM HARCOURT (Derby): I have always understood that my right hon. Friend was a great supporter, when he sat behind our Government, of what was called a spirited foreign policy, and what is sometimes called a Jingo policy.

MR. GOSCHEN: No; my right hon. Friend went further than that. He said I was in favour of great establishments, and that I had not been entrusted by my right hon. Friend the Member for Mid Lothian (Mr. W. E. Gladstone) with great Departments in his Government.

SIR WILLIAM HARCOURT: I was speaking of later times.

MR. GOSCHEN: Well, my right hon. Friend wishes to escape from that point. In a very late time I think that my right hon. Friend the Member for Mid Lothian would not have objected to entrust a large Department to my care. I do not think it is necessary to refer to such a matter, and I have been led to make the remark simply because my right hon. Friend pressed his observation, and said that, even in recent times, I was not to be trusted on the subject of great establishments. I certainly go as far as this. I think that any excessive measures of reduction which lead to a sudden increase of expenditure the moment the first danger arises, is a dangerous policy. We have several times had experience of this. After great reductions have been made, if there has been even a moderate panic, Votes of Credit have been proposed in order to obtain an increase of stores, which have been allowed to sink too low. That, I think, to be an extravagant way of conducting the national finances. But I can assure my right hon. Friend (Sir William Harcourt), that both my right hon. Friend the Secretary of State for War (Mr. E. Stanhope) and my noble Friend the First Lord of the Admiralty (Lord George Hamilton) are, like myself, entirely in accord with him in wishing to make reductions wherever it is possible in the Establishments. My right hon. Friend (Sir William Harcourt) said that there was a solitary voice crying out for economy; but I think my right hon. Friend will see that the attacks which have been made upon the Department have involved, to a great extent, the action, not only of the present Government, but of the Government of which he was himself a Member, and that many of the mistakes alleged to have been committed have been committed, and most of the money alleged to have been wasted has been spent, either for good or for evil, under the auspices of the Cabinet of which my right hon. Friend was a Member, and during part of the existence of which he occupied the position that I hold now. But I do not complain in the slightest degree of my right hon. Friend's remarks in that direction. I certainly wish to do him this justice. I speak as having succeeded him at the Treasury, although not as his immediate Successor. I am perfectly certain that there never has been a more sincere champion of economy than my right hon. Friend (Sir William Harcourt), and I would not hold him responsible for any extravagance which has been committed. But when my right hon. Friend sees that the Government of which he was a Member is itself exposed to the charges which have been made, and that it is accused of having fallen into several errors and of having spent money which may be proved to have been wasted, I hope he will be a little charitable in judging of those who now occupy the place which he formerly held. In regard to the point my right hon. Friend raised in reference to the suspension of the Sinking Fund, and to the remarks he made with regard to Sir Stafford Northcote's position, I may say that I do not object to criticism which has for its object the strengthening of the hands of the Government with reference to setting aside a large sum for the payment of the National Debt. But I do not think my right hon. Friend was justified in saying that, because the sum has been diminished, we have, therefore, overthrown the whole of the principle. I stated, in making my Budget proposals, that if the Sinking Fund would have been endangered by them, I should have been the last man to bring them forward. My right hon. Friend mentioned the fact that even in 1880 Sir Stafford Northcote did not touch the Sinking Fund. But I will call my right hon. Friend's attention to this point. If this had been an exceptional year; if there had been two or three previous years which showed different symptoms from the present year, I certainly should not have consented to suspend any portion of the Sinking Fund, and I certainly think that Sir Stafford Northcote was quite justified in not suspending it in 1880. He had then had an experience of five years, and it was hoped from year to year that the stagnation of Revenue which was then witnessed was only temporary. We were all lothe to believe that the stagnation was of anything like a permanent character. But seven more years have now passed, and they all tell the same tale, and all teach the same lesson. We have now arrived at a point at which, with the Income Tax at 8*d*., we are at liberty to contrast the state of things with that which existed when Sir Stafford Northcote made his proposals. My right hon. Friend (Sir William Harcourt) has referred to the statistics I quoted to show that there had been no growth in the Revenue at all paralleled with the growth in the population. My right hon. Friend seemed to be unaware why I had taken a growth of 1 per cent. It was because I believe that the population increases 1 per cent. Instead of there having been a normal growth of the Revenue proportionate to the growth of the population, it is now seen, after an experience of 12 or 13 years, that the elasticity of Revenue which existed in 1875, and which formed the basis of Sir Stafford Northcote's calculation, has entirely disappeared. I quite admit that the Fund ought not to have been touched until ample experience had been gained, and until it had been seen what, looking over a long period of years, might be the expectations as to the situation. Now, we have to face this position. Given the present Revenue, given the present Expenditure, is it right to maintain the Income Tax at 8*d*. in order to pay off that amount of National Debt which was fixed by Sir Stafford Northcote as the normal amount to be paid off when the Income Tax stood at 2*d*.? I submit that the case is very strong in favour of an arrangement not for suspending the whole Fund, but for modifying the scheme and bringing it more into accord with the present situation. My right hon. Friend opposite speaks of the sacrifices which were made in 1817, when the population was small, and the wealth of the country was not such as it is now. I would point out that at that time it was far more necessary to make large provision for reducing the National Debt, looking both at the rate of interest paid and the amount of the Debt, than it is now. With the credit of the country in its present position, and with money bearing only 3 per cent interest, I do not think that the provision of £5,000,000 a-year is inadequate. Although it is desirable, and although it is the duty of the country, to pay off a large sum every year, I believe the position of the country to be such that it is not necessary to look at the matter from that point of view. We are now proposing to set aside a sum which will pay off the whole of the Debt in 56 years. I believe that the proposals I have ventured to make are suited to the present circumstances of the Kingdom, and I should deeply regret if my right hon. Friend were justified in saying that the course I had taken had imperilled the Sinking Fund as regards the £5,000,000. If that were my conviction, if I shared that apprehension, I certainly should not have made these proposals. I am glad to see the feeling which has been displayed, because it indicates a determination to maintain the proposals which I have submitted to the House.

Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday.*

TRUSTS (SCOTLAND) ACT (1867) AMENDMENT BILL.—[Bill 225.]

(*Mr. Solicitor General for Scotland, The Lord Advocate.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title) *agreed to.*

Clause 2 (Power to trustees to make abatement of rent).

On the Motion of The Lord Advocate, Amendment made, in page 1, line 9, by leaving out after "powers" to and including "authority," in line 12, and inserting—

> "conferred upon trustees by the second section of 'The Trusts (Scotland) Act, 1867,' in all trusts to which that section applies the trustees shall have power."

Mr. HOZIER (Lanarkshire, S.): I think, Mr. Courtney, that the scope of this Bill might be somewhat extended. As it stands at present, it gives permission to trustees to grant reductions of rent, and I cannot help thinking that it ought to be extended so as to enable trustees to allow leases to be given up entirely. I therefore beg to move, at the end of Clause 2, to add the words "and to accept renunciations of leases of any such subjects."

Amendment proposed, at end of Clause, to add "and to accept renunciations of leases of any such subjects."—(*Mr. Hozier.*)

Question proposed, "That those words be there added."

Mr. J. H. A. MACDONALD: I think that these words would be a decided improvement to the Bill, and the Government will accept them.

Question put, and *agreed to.*

Words *added.*

Clause, as amended, *agreed to.*

On the Motion of Mr. J. H. A. Macdonald, the following New Clause was *agreed to*:—

(Past abatement of rent not liable to challenge.)

> "No abatement or reduction of rent, heretofore made by trustees, shall be liable to be challenged, which would have been lawful if made after the passing hereof."

Mr. HOZIER: I beg to move as a consequential Amendment, after the word "rent," to insert the words "or acceptance of renunciation of any such lease."

Amendment proposed to the New Clause, after the word "rent" to insert "or acceptance of renunciation of any such lease."—(*Mr. Hozier.*)

Question, "That those words be there inserted," put, and *agreed to.*

Question, "That the Clause, as amended, be added to the Bill," put, and *agreed to.*

Bill *reported;* as amended, to be considered upon *Thursday.*

CORN SALES BILL.—[Bill 91.]

(*Mr. Rankin, Sir Joseph R. Bailey, Mr. H. T. Davenport, Mr. Williamson.*)

SECOND READING.

Order for Second Reading read.

Mr. RANKIN (Herefordshire, Leominster): In moving that the Order for the Second Reading of this Bill be discharged, I would ask the Secretary to the Board of Trade to give the House some assurance, for the satisfaction of those who are interested in this subject—and they are numerous—that it is the intention of Her Majesty's Government to deal with the subject at an early period next Session.

Motion made, and Question proposed, "That the Order for the Second Reading be discharged."—(*Mr. Rankin.*)

The SECRETARY to the BOARD of TRADE (Baron Henry De Worms) (Liverpool, East Toxteth): I cannot take upon myself to do that; but I may say to my hon. Friend that the Government hope next Session they may be able to deal with the subject.

Motion *agreed to.*

Order *discharged.*

Bill *withdrawn.*

MOTIONS.

ARMY AND NAVY ESTIMATES.

NOMINATION OF SELECT COMMITTEE.

Motion made, and Question proposed, "That the Select Committee do consist of Nineteen Members."—(*Mr. W. H. Smith.*)

MR. MASON (Lanark, Mid): I hope the right hon. Gentleman will consent to defer the nomination of this Committee until Thursday, seeing that there are a large number of hon. Gentlemen interested in the subject who are not now present.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I regret that it is not in my power to accede to the request of the hon. Member. As the House is aware, the Motion for the appointment of this Committee has been on the Paper for a long time, and for a long time it was blocked by a Notice of opposition. Although it was the desire of almost the whole of the House that this Motion should be proceeded with, it was not in our power to reach it in time. We have now an opportunity of going on with it; it has the general sanction of the House, and it is absolutely necessary to proceed with the business of appointment of Members of the Committee with the least possible delay.

MR. MASON: Under the circumstances, I have now to move that the number of Members of the Committee be increased to 25. I am sorry that we should have to go on with the Motion now, but I can understand the desire of the First Lord of the Treasury to proceed while the Motion is not blocked. My reason for advocating the increase of the number on the Committee to 25 arises, in the first instance, from a promise given by the First Lord of the Treasury that the number of the Committee would be 25. This he stated in answer to a Question from an hon. Member; and I do not know on what grounds the Government have departed from that intention and reduced the number to 19. I am of opinion that 25 would be a better number, and my judgment is supported by precedents. On looking back over the Parliamentary history of the past century, I find a number of Committees nominated with similar objects to this. There was a Committee in 1786, another in 1790, and others in 1807, 1817 and 1828, and on the last occasion in 1848. I took especial care to look up the precedent of the appointment of the Committee of 1828. It was appointed, I have no hesitation in saying, by the most eminent statesman of the century, Sir Robert Peel, and the number he nominated at that time, in a much smaller House than we have at present, was 23. I have no doubt that the experience and authority of this statesman will weigh considerably with Members on the other side of the House. I do not think I am asking that the Committee should be unduly enlarged when I mention the number as 25, when we consider the House is so much larger, and the questions with which the Committee will have to deal of so much greater magnitude. I look upon this as, in no sense, a Party question; and I am perfectly well aware that there are Members on the other side as sincerely anxious for economy as Members on this side; and that being the case, I may appeal to the Government to increase the size of the Committee, and that for several other reasons I will now allude to in as succinct a manner as I possibly can. I dare say the House is aware that I raised this question a-year and a-half ago; it was the first thing to which I put my hands on entering Parliament. Doubtless, the question has been accelerated by the adhesion and support of an eminent noble Lord, whose influence was sufficient to induce the Government to adopt the idea of a Finance Committee for the purpose of cutting down the Estimates. I thank the noble Lord the Member for South Paddington (Lord Randolph Churchill) for the support he has given in bringing this question to the front much more rapidly than if the movement had not had his support. The right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler), in one of the debates upon the Budget, made the statement that he believed the Army and Navy cost us for every £1 sterling spent on them 30*s.*—that is to say, that we only get a £1 worth for every 30*s.* spent; and that being so the Estimates should be cut down at least £10,000,000 a-year. I do not know any Member of this House more competent to give a sound opinion —he has been Secretary to the Treasury, and knows how the money goes—the object then is to cut and carve upon this enormous sum of £10,000,000 wasted annually on these Services. I believe it was the noble Lord the Member for South Paddington (Lord Randolph Churchill) who said a large portion was as much wasted as if it were thrown down the gutter. That being the case, we naturally turn to the composition of this Committee, and consider it in regard to the work it has to do. I look over the names and ask myself the question, how have they been selected? Are they the names of the best men we could get for the work? I do not think so. I do not complain of the nomination of Members of the Government, nor so much of Members selected from that side; but I think there might have been a much better nomination from this side. I quite understand that the Ministers of the day ought to be on the Committee; they are proposed as a matter of course, and include the First Lord of the Admiralty, the Secretary of State for War, and the Secretary to the Treasury. But I cannot see any reason why ex-officials and ex-Ministers should be Members of a Committee intended to inquire into and consider transactions and expenditure that grew up unchecked under the very noses of these officials and Ministers. Why should they be appointed to sit as judges upon delinquencies which occurred under their control? In my opinion, shared I know by many others, these Gentlemen should be called as witnesses to give evidence, not to make a Report. There is another reason which I think should commend itself to the judgment of the House in favour of making a slight alteration in the nominations. With the Navy Estimates in view, I look down the nominations and look in vain for the name of a single Gentleman who has any practical knowledge of ship-building, and yet we have several such among the Members of this House. There is the hon. Member for the Govan Division of Lanarkshire (Mr. Pearce), a member of the largest ship-building firm on the Clyde; and, again, we have in the hon. Member for the Jarrow Division of Durham (Sir Charles Palmer) a representative of the large shipbuilding interests on the Tyne. Both these hon. Members are eminently capable of giving a sound opinion on the Estimates framed by the Admiralty for the building of ships, 13 of which I believe are to be built this year. There is not in these nominations the name of any Gentleman capable of giving a close, practical scrutiny to these Estimates. Take, for instance, such an item as £300,000 or £400,000 for the building of a ship; when this comes before the Committee there is no one to say whether this is an over-estimate or not, as either of the hon. Gentlemen I have referred to could were they on the Committee. A ship is said to have a certain displacement, tonnage, and engine power, and the cost is given, say, at £400,000, and these Gentlemen could tell you whether the ship should cost so much. No doubt, they would be able to say where the money would be wasted, and could show how the cost should be reduced probably to £300,000. But there is no Member nominated capable of putting his finger on the estimate and saying, with authority and experience, whether it is right or wrong. This is clearly a mistake. Then, again, with regard to materials, there is no Member in these nominations with practical knowledge of the value of metals and materials largely required in Army and Navy stores. Nor is there anyone, so far as I know, who knows anything about the manufacture and value of clothing or equipments required in either Service. Neither do I think, looking at the Committee as a whole, have you that element of a commercial and business character you require for the work to be done. I except the Secretary to the Treasury (Mr. Jackson), who is a business man. The Report from a Committee thus constituted will not be worth the paper it is printed on. Another point I wish to notice is this. The House is now composed of fully half new Members; have you this half of the House represented on the Committee? No; you have only four or five, and I say this is not dealing fairly with the House. But my great objection is that I do not consider the Committee is of such a nature as to enable us to get the Report we wish for enabling us to cut down the Expenditure of the country. A Royal Commission has just reported upon the system of patterns for warlike stores, and I would have gone into this Report a little more fully, if it were not so late, to show that this Commission has practically recommended what this Committee might be expected to do. They want a Commission appointed to assist the Government of the day. My original idea when I raised the question in the House was practically this—that a Committee should be appointed each year, that it should consist of 39 Members divisible into three sections, 13 to examine the Army Estimates, 13 the Navy, and 13 the Civil Service Estimates, presided over by Ministers of the day; and that its functions should be to assist the Government of the day, whether Tory or Liberal, to scrutinize the Estimates—going over them to see that we really get value for the money. That is really the question before us. It was objected last year that this would be to dictate a policy to the Government; but we do not wish to do that; it is to simply help the Minister of the day to see that money is not worse than wasted in the Departments. I do not intend to take up the time of the House further; I will simply move this increase in the number of the Committee, and I trust the Government will yield to the request I make. I know of Gentlemen quite willing to serve, and I am sure their additions would strengthen the Committee. There is another point I just wish to notice, a point somewhat personal to myself, and I do not dwell upon it. It is in a measure forced upon me by constant inquiries from my constituents, who are somewhat surprised, knowing that I raised this question, to find that my name is not among the nominations. I do not complain personally, but simply in my representative character, and when I am asked why it is I have not been nominated, I can only answer that I really do not know. It is usual, however, to put on a Committee the name of the Member who raised the question; but I do not dwell upon that, but move the Amendment.

ADMIRAL FIELD (Sussex, Eastbourne): I second the Motion *pro formâ*, not that I quite agree with the proposal, but it enables me to make some remarks on the composition of this Committee, though I care not a brass farthing whether the number is 25 or 21. I am, however, strongly of opinion that the number ought to be larger than 19, unless you get rid of some of the names on the list, as proposed. Let me say, at the outset, that naval men do not fear inquiry; they court it; but we say, if there is to be an inquiry, let it be an honest inquiry, and let the Committee be thoroughly qualified to undertake the work. I find fault with the composition of the Committee on two grounds —that men are put on the list who cannot by any possibility know anything on the subject they are called upon to inquire into; and I find fault with the list for its sins of omission. First of all, I think the object of the Committee ought to be clearly defined. We are told it is to inquire into the Army and Navy Estimates. I did my best to enlarge the scope of the inquiry, but the Government did not fall in with my views. I wanted an expression of opinion as regards the Navy—first, as to what force we really require for the defence of the Empire; next, as to what it will cost; and last, what is the amount of money you can afford to spend on it each year? whereas now the Committee is simply to cut down totals, and not to inquire into the efficiency and requirements of the Service. I have no sympathy with that kind of inquiry. And now I will, in a few words, tell you of what I complain in the composition of this Committee. First we have an ex-Chancellor of the Exchequer—of course a very able man—an economist, though a new-born economist. Then we have three military officers, and I find no fault with their nomination—they have a right to be there. Then we have the First Lord of the Admiralty—quite right. But then we have an ex-First Lord of the Admiralty, who did more to injure the Service, towards the ruin of the Service, than any other man in the House. I do not want to see him on the Committee, but if he is to be put on, then let us have more men to check him by their votes. Then we have an ex-Secretary of the Admiralty who assisted that ex-First Lord in his villainous work. [*Cries of* "Order!"] I will withdraw the expression, if it is un-Parliamentary. I only speak in a naval sense——

MR. SPEAKER: The hon. and gallant Member will be good enough to withdraw that expression.

ADMIRAL FIELD: Certainly, Sir. I withdraw it, and apologize to the House for having used it, but I only used the word in a political sense. There is the name of an ex-Secretary to the Admiralty who assisted a First Lord in what we naval men consider was ruinous work to the Service. We have on the Committee the Minister of War, the Secretary and ex-Secretary of the Treasury—good men, very properly placed there. And then we have two barristers! What do they know about the Army and Navy Estimates? Very competent men they doubtless are in their proper place, but that is not on this Committee. Then there is an Indian civilian; what does he know about naval and milirary administration? Then we have a Scotch doctor, no doubt a very able man, and he has signalized his advent to the House by being down upon all officers in either Service in the discharge of their duty. Then we have three nondescripts, not likely to bring much useful knowledge to this inquiry; and at last we have one naval man. Three soldiers to one naval man! And now for the sins of omission. One would have thought that of Members of the late Administration in the Admiralty, that at least the late Civil Lord of the Admiralty would have been put on the Committee; at all events, he has some knowledge of naval matters, being a naval officer. If you will not increase the number above 19, then eliminate one of these names, and substitute the late Civil Lord, who would bring special knowledge of the Admiralty Department, in which he did good work. When we appointed the Committee to inquire into the charges against the London Corporation—a very capable Committee—we included two assessors, because of their presumed special knowledge on the subject under inquiry, to sit but not to vote. Then, I say, why not appoint assessors in this case, even if you do not give them votes? The Financial Secretaries to the War Office and the Admiralty are men specially informed upon these Estimates, and largely responsible for the form in which they are presented to the House, and they should certainly be present to assist the Committee in their investigations. I will not detain the House further. I am not satisfied with the composition of the Committee, and I think I have shown sufficient reasons for that dissatisfaction. I do not care from which side they are selected; but if this inquiry is to be a reality and not a sham, then get men well qualified for the work they have to do.

Amendment proposed, to leave out the word "Nineteen," in order to insert the words "Twenty-five."—(*Mr. Mason.*)

Question proposed, "That the word "Nineteen" stand part of the Question."

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I have listened with great interest to the two speeches the House has heard; but I am sorry to say I do not see my way to accept the Amendment the hon. Gentleman opposite (Mr. Mason) has moved. Our object is to obtain a Report from the Committee as rapidly as possible, and all experience has shown that large Committees cannot deal with a subject so rapidly as smaller ones. The hon. Member has referred to a precedent of some years ago, when a larger Committee was appointed; but if he had gone to the last and most important appointment of such a Committee for many years, that of 1849, he would have found that the number was only 13, when originally appointed, though it may have been increased afterwards. I will venture to appeal to business men, whether a large body of men sitting and examining witnesses on questions of this kind, do not, must not necessarily, occupy a great deal more time in arriving at the facts of the case than a smaller body of men. The hon. Member remarked upon the absence of the names of certain Members, and he has done justice to the Government for the nominations on this side; with the other side we have had nothing to do; but in reference to his remarks, I would say that the knowledge of those Members he referred to can be best availed of by calling them as witnesses rather than by placing them on the Committee. With regard to one of the Gentlemen, I think he is a contractor for the Government at the present moment, and, therefore, it is scarcely desirable that he should be appointed to sit in judgment upon questions in which he is more or less interested. We desire to obtain for service on the Committee Gentlemen trained to affairs of business, who will present a Report for the guidance of the House on questions of very great importance. The hon. and gallant Gentleman (Admiral Field) has gone through the list and has shown reasons why some of the names put on the Paper should be placed on the Committee, and I think, myself, it is only right that every view of the case should be represented. The hon. and gallant Member is well able, on his part, to defend the interests of the Service with which he is connected; but the names on the list were, in a great measure, inserted at the instance of Gentlemen representing the Services; and, so far as the Government are concerned, we are practically responsible for only a few names, which we intended to represent the calm, sober judgment of Members who have not expressed any opinion on the questions involved, possessed of sound judgment, and capable of devoting time to the consideration of these important matters. I hope we may be now allowed to proceed with the nominations of the 19 Members; and if it should appear desirable that other names should be substituted for some of these, no doubt we can make the alteration on a later day.

Question put.

The House *divided:*—Ayes 120; Noes 31: Majority 89.—(Div. List, No. 187.)

Main Question put, and *agreed to.*

Lord George Hamilton, Lord Randolph Churchill, Mr. Edward Stanhope, Mr. Childers, Mr. Shaw Lefevre, Mr. Henry H. Fowler, Mr. Jackson, Mr. Caine, and Sir William Crossman, *nominated* Members of the Committee.

Question proposed, "That Mr. Jennings be a Member of the Committee."

DR. CLARK (Caithness): I think, Sir, it would be desirable if the Government would allow the names of two Members to be withdrawn, in order that two naval men might be substituted for them. I do not like to propose that Mr. Jennings and Captain Cotton should withdraw; but I think that perhaps Mr. Picton and Sir William Plowden might do so to make room for two more naval Members.

MR. W. H. SMITH: I think, Mr. Speaker, that the better course would be to allow the Committee to be appointed as it stands, and then, if the hon. Member who has just spoken can, by making representations to the hon. Gentlemen who conduct business of this character on his own side of the House, induce any hon. Member to withdraw from the Committee, the Government will be perfectly ready to substitute another name. The hon. Gentleman is very well aware that there is an understanding as to the appointment of these Committees, and in the absence of the hon. Gentlemen themselves it would not be courtesy for the Government to depart from that understanding. As regards the two or three Members mentioned by the hon. Gentleman, we could not accept any change in their absence.

MR. GEDGE (Stockport): As my hon. Friend and Colleague (Mr. Jennings) is not here, I wish to say that this is a subject to which he has given great attention, especially from the point of view of economy, and I think that it would be a great mistake if the House were not to have the advantage of his services on the Committee.

Question put, and *agreed to.*

Question, "That Mr. A. Gathorne-Hardy, Mr. James Campbell, Captain Cotton, Admiral Mayne, Dr. Cameron, and Sir William Plowden be Members of the Committee," put, and *agreed to.*

Question proposed, "That Mr. Picton be a Member of the Committee."

ADMIRAL FIELD (Sussex, Eastbourne): I object to that name, Sir; and I should like to move, in spite of what the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) has said, that the name of the late Civil Lord of the Admiralty should be substituted for it.

MR. SPEAKER: The hon. and gallant Gentleman can object to a name, but he cannot propose another without Notice. Does the hon. and gallant Gentleman object to the name?

ADMIRAL FIELD: Yes, Sir; I do, very strongly.

Question put, and *agreed to.*

Question, "That Colonel Nolan and Mr. Sexton be Members of the Committee," put, and *agreed to.*

Question proposed, "That the Committee have power to send for persons, papers, and records; Five to be the quorum."

COMMANDER BETHELL (York, E.R., Holderness): I should like to ask the right hon. Gentleman the First Lord of the Treasury whether this Committee will have in its power the decision of matters of policy, or whether it will only deal with the method in which the money has been expended? The answer to this question may make a great deal of difference respecting our views with regard to the composition of the Committee.

MR. W. H. SMITH: In answer to the observation of my hon. and gallant Friend, I have to say that the Committee was never intended in any way whatever to lessen the responsibility of the Government of the day. When the Government accepted the suggestion of my noble Friend the Member for Paddington (Lord Randolph Churchill) that the Committee should be appointed, my noble Friend said that he intended to reserve to the Government the full responsibility of policy; and I, in assenting to the appointment of the Committee in principle, reserved to the Government full responsibility. The duties of the Committee will be carefully to examine the Estimates item by item, and to report whether the money voted by Parliament has been wisely and economically applied, and whether the country has got a good and full return for it.

Question put, and *agreed to.*

PIER AND HARBOUR PROVISIONAL ORDERS (NO. 2) BILL.

On Motion of Baron Henry De Worms, Bill to confirm certain Provisional Orders made by the Board of Trade, under "The General Pier and Harbour Act, 1861," relating to Boscombe and Bridlington, *ordered* to be brought in by Baron Henry De Worms and Mr. Jackson.

Bill *presented,* and read the first time. [Bill 276.]

METROPOLIS (CABLE STREET, SHADWELL) PROVISIONAL ORDER BILL.

On Motion of Mr. Stuart-Wortley, Bill to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State, for the improvement of an unhealthy area at Shadwell, within the Metropolis, *ordered* to be brought in by Mr. Stuart-Wortley and Mr. Secretary Matthews.

Bill *presented,* and read the first time. [Bill 277.]

METROPOLIS (SHELTON STREET, ST. GILES'S) PROVISIONAL ORDER BILL.

On Motion of Mr. Stuart-Wortley, Bill to confirm a Provisional Order of one of her Majesty's Principal Secretaries of State, for the improvement of an unhealthy area at St. Giles in the Fields, within the Metropolis, *ordered* to be brought in by Mr. Stuart-Wortley and Mr. Secretary Matthews.

Bill *presented,* and read the first time. [Bill 278.]

House adjourned at ten minutes before Two o'clock.

HOUSE OF COMMONS,

Tuesday, 7th June, 1887.

MINUTES.]—Supply—*considered in Committee Resolutions* [June 6] *reported.*

Private Bill (*by Order*) — *Second Reading* — Westminster (Parliament Street, &c.) Improvements.*

Public Bills — *Ordered* — *First Reading* — Law Agents (Scotland) Act (1873) Amendment* [284]; Intermediate Education (Wales) (No. 2)* [285].

Committee — Criminal Law Amendment (Ireland) [217] [*Thirteenth Night*]—R.P.

Committee — *Report* — Deeds of Arrangement Registration [231-283].

Considered as amended—First Offenders [189], *debate adjourned.*

Withdrawn—Crofters Holdings (Scotland) Act (1886) Amendment (No. 3)* [219].

Provisional Order Bills — *Ordered* — *First Reading* — Oyster and Mussel Fisheries* [279]; Local Government (No. 5)* [280]; Local Government (No. 6)* [281]; Local Government (No. 7)* [282].

Second Reading – Local Government (No. 3)* [268]; Local Government (No. 4)* [269].

NOTICE OF MOTION.

BUSINESS OF THE HOUSE.

Mr. STANLEY LEIGHTON (Shropshire, Oswestry): I beg to give Notice that on this day fortnight I shall call attention to the manner in which Public Business is being conducted; to the fact that the Local Loans Bill of 21 Clauses was hurried through its Second Reading on Monday night without any explanation on the part of the Minister in charge of it, and without debate; also to the fact that many weeks have been consumed by prolonged debates on the Criminal Law Amendment (Ireland) Bill, to the almost total exclusion of other Business; and to move—

> "That this House, while prepared to give a general support to the Government in the management of Business, is of opinion that too much time having been already spent in its consideration, the Criminal Law Amendment (Ireland) Bill should be passed through its remaining stages within a short and limited period."

QUESTIONS.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—THE ROYAL IRISH CONSTABULARY.

Mr. CONYBEARE (Cornwall, Camborne) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that a Circular has been issued by the Inspector General of Constabulary in Ireland to the different police stations throughout the country calling on the men to subscribe funds to purchase a horse and jaunting car as a Jubilee offering to the Queen; whether the said Circular requires the sergeant in each station to note down the names of non-subscribers; and, whether, in that case, he will consider the propriety of taking steps to protect the men who may not desire to subscribe from becoming marked men, and as such subject to injury, dismissal, or other unfair treatment? The hon. Member observed that he had received a letter from a member of the Royal Irish Constabulary complaining that he had been obliged to give.

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): I am quite unable to account for the hon. Member receiving such a letter, as no such Circular as that alluded to in the Question has been issued.

Mr. CONYBEARE: Would the right hon. Gentleman like a copy of the Circular? [*Cries of* "Read it!"]

Mr. A. J. BALFOUR: There is no Circular of the kind.

TRINIDAD—THE PITCH LAKE.

Mr. BADEN-POWELL (Liverpool, Kirkdale) asked the Secretary of State for the Colonies, What is the reason for the delay in issuing licences for the working of that portion of the Pitch Lake, in Trinidad, hitherto reserved; whether it is true that the Government of Trinidad are considering an offer of £10,000 a-year, from the present lessees, to secure exclusive rights; and, whether, if the Lake were kept open to public competition of lessees, the receipts of Revenue would not be greater than the rental mentioned in the above offer?

The SECRETARY of STATE (Sir Henry Holland) (Hampstead): Licences have not been issued for getting pitch from the reserved portion of the Lake, because the Colonial Government and Legislature are considering an offer by the lessees of the other part of the Lake to take a lease of the whole on terms which would insure a minimum royalty of £10,000 a-year. From the information in my possession, I have no reason to think that a greater revenue would be obtained by offering the lease of the reserved portion to public competition; but I am not prepared to answer the Question more definitely until the opinion of the Colonial Legislature has been ascertained.

UNITED STATES — EMIGRATION OF PAUPER FAMILIES FROM IRELAND.

Mr. T. M. HEALY (Longford, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Have the Government any information as to the refusal of the American authorities to allow 14 families, emigrated from County Mayo by Robert Vesey Stoney, esquire, J.P. D.L., of Rossturk, to be landed in New York yesterday, on the ground that they were paupers; and, will any precautions be taken to prevent landlords emigrating pauper families without making any provision for them on their arrival in America?

The CHIEF SECRETARY (Mr. A. J. Balfour) (Manchester, E.): The 14 families referred to appear to have been landed and to have proceeded to their destination. Some families arriving subsequently in another ship were detained; but were afterwards permitted to land and proceed to their friends. The Local Government Board are paying particular attention to prevent the emigration of pauper families without due provision awaiting them on arrival at their destination.

Mr. T. M. HEALY asked, whether the Government would say where Mr. Stoney got the money from for emigrating these people, and what precautions he took for weeding out a certain portion of his tenantry and supplementing them by others; whether, in fact, all Protestants were refused emigration, which was strictly confined to Roman Catholics?

Mr. A. J. BALFOUR replied, that he had no information on these points.

Mr. T. M. HEALY: Will the right hon. Gentleman say where the money comes from?

[No reply.]

NATIONAL EDUCATION (IRELAND) — CLASSIFICATION OF TEACHERS.

Mr. DILLON (Mayo, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a rule of the Commissioners of National Education, that first-class teachers may be depressed in classification should their schools not maintain a fair standard of proficiency; and, if so, whether first-class candidates, and candidates for the first division of first-class, will be allowed to go forward for promotion upon merely giving notice of their intention?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): By a long-established Rule all teachers are liable to depression in classification should their schools decline in usefulness and efficiency. The interests of education require that satisfactory school-keeping must be regarded as a condition precedent of allowing teachers to seek promotion in classification.

POOR RELIEF (IRELAND) INQUIRY COMMISSION—THE REPORT.

MR. DILLON (Mayo, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, When the Report of the Poor Relief (Ireland) Inquiry Commission will be circulated; and, when he will be in a position to state what action the Government propose to take in reference to the matters dealt with in this Report? The hon. Member observed that since the Question had been put down the Report of the Commission had been circulated.

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): As the hon. Member has observed, the Report has been circulated. I am closely watching the course of events in the Unions, and shall be prepared to state in a few days the nature of the steps which the Government think necessary to take under the circumstances.

EGYPT—THE SOUDAN—THE ARABS OF SUAKIN.

MR. DILLON (Mayo, E.) asked the Under Secretary of State for Foreign Affairs, Whether it is true that—

> "A party of the Bishareen Tribe, acting under instructions from Colonel Kitchener, have attacked and burned a colony, consisting of 300 huts, situated near Rowayah, and inhibited by Jeddamene Arabs, who were implicated in the murder of Lieutenant Stewart, of Her Majesty's sloop *Garnet*. The Bishareen also took 13 prisoners;"

and, if so, what evidence Colonel Kitchener had that these particular Arabs were implicated in the murder of Lieutenant Stewart; and, whether he will cause an inquiry to be made into the policy of fomenting disturbances between different tribes of Arabs in the neighbourhood of Suakin?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): Her Majesty's ship *Dolphin* was sent to Mersa Halaib, the scene of the attack on the boat of Her Majesty's ship *Garnet*, to make inquiries and punish the outrage. The Commander convinced himself that the attack had been made by a party of Hatemes, a slave-dealing Colony from the Jeddah District, which had been settled near Mersa Halaib for the last three years. He proceeded to the village with a small force, but found it deserted, as the inhabitants had been warned of his approach. He burned down the village, consisting of about 50 wretched mud huts, and captured two prisoners, one of whom admitted that the Hatemes had fired on the boat.

EMPLOYERS' LIABILITY ACT — RENEWAL AND AMENDMENT.

MR. BRADLAUGH (Northampton) asked the Secretary of State for the Home Department, Whether, in view of the following facts: that the Employers' Liability Act will expire this year; that a Select Committee last Session, after collecting much evidence, unanimously reported in favour of its renewal with amendments; that the noble Lord the then Leader of the House (Lord Randolph Churchill) last Session distinctly pledged the Government to introduce a Bill to so renew and amend the Act; that such promise has been more than once repeated by the Government this Session, he will without further delay obtain leave to introduce the Bill, so that it may be forthwith printed and in the hands of Members?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I regret that circumstances beyond my control have delayed the introduction of this Bill. I hope to lay it on the table before there is any reasonable prospect of the House being able to deal with it.

EXCISE—ADULTERATION OF BEER.

MR. BONSOR (Surrey, Wimbledon) asked Mr. Chancellor of the Exchequer, in reference to his statement to the deputation that waited on him on the 5th of April last on the subject of pure beer, that the Excise officers would render every possible assistance in the way of analyzing samples with a view of detecting adulteration, Whether any samples had been so obtained and analyzed; and, if so, with what result?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): Since I conferred with the deputation in question 18 samples of beer have been purchased from various publicans; and, as I understand, they were chosen by the hon. Member for the Southern Division of Suffolk (Mr. Quilter). They were submitted to careful analysis by the analysts at Somerset House; and I am able to inform the House that in no single case was there any trace of adulteration by anything noxious, or otherwise detrimental. On the contrary, the beers were pure, genuine, and of high alcoholic strength. This statement fully corroborates the correctness of the view maintained by the Board of Inland Revenue.

MR. QUILTER (Suffolk, South): May I ask the Chancellor of the Exchequer, whether he can inform the House whether the samples that were obtained were obtained by officers of the Excise of the district, who were presumably well known to the different publicans, or whether they were purchased by the public over the bar in the ordinary course of business?

MR. GOSCHEN: I understand that the samples were arranged for by the hon. Member himself.

MR. QUILTER: With the permission of the House I beg to make a personal explanation. With the exception of indicating the localities in which they might be procured, I had nothing to do with it. They were procured by means of the Excise Department, and, I presume, by officers of the Excise. I hope the Chancellor of the Exchequer will ascertain exactly how they were procured.

MR. GOSCHEN: If the hon. Member wishes for any further inquiry it shall be made; but I understood that the samples were obtained from publicans indicated through the means of my hon. Friend.

MR. QUILTER: I am very unwilling to detain the House; but I venture to ask the right hon. Gentleman if he will at some future date, if not now, answer my Question as to whether the samples were obtained by the officers of Excise of the district or the public?

PROCLAIMED MEETINGS (IRELAND)—PROTESTANT HOME RULE ASSOCIATION, KILKEEL.

MR. M'CARTAN (Down, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the attempted suppression of the meeting, convened under the auspices of the Irish Protestant Home Rule Association, at Kilkeel, County Down, on the 25th May last; whether he is aware on what day the placards announcing this meeting were first posted in and about Kilkeel; on what date the placard summoning the opposition meeting first appeared; whether the meeting was proclaimed at the instigation of the local landlords; if the magistrates who signed the proclamation were the local landlord, Lord Kilmorey, and his land agent, Mr. John Quinn Henry; whether it is in accordance with practice for a landlord and his agent to act together as Justices in the same case; and, whether he will state the name of the informant, and supply a copy of the information referred to in this proclamation, and give the name of the magistrate before whom same was sworn?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): I have not received even now such full information on the subject as I should have wished; but, from the telegrams submitted to me, I gather that the meeting was not announced by placard. The meeting was prohibited by the magistrates named, at whose instance, or upon whose information, I cannot say, the magistrates having acted independently of the Government, and on their own responsibility entirely. I believe it is not usual for landlords and their agents to act together as Justices in the same cases. I am unable to give the information asked for in the last paragraph of the Question; but I intend to make further inquiries.

MR. M'CARTAN asked, was the Chief Secretary aware of the fact that the magistrates who signed the proclamation were Lord Kilmorey and his agent?

MR. A. J. BALFOUR: Yes; I am aware that such is the case.

MR. M'CARTAN: And that Lord Kilmorey came over from England to prevent a meeting of his Nationalist tenants; and, whether, under the circumstances, the Government will order a prosecution of Lord Kilmorey and his agent for having criminally conspired for preventing these people from doing what they had a legal right to do

[No reply.]

WAR OFFICE — ARMY CONTRACTS — CONTRACT FOR SWORD BAYONETS.

Mr. HANBURY (Preston) asked the Secretary of State for War, Whether a contract has been given to Messrs. Wilkinson for about 150,000 sword bayonets; whether they are of the same pattern as those against which the Royal Commission has recently reported; what is the price, length, and strength of these bayonets; whether they are intended for use on the Henry-Martini or the proposed new rifle; and, if the latter, what portions of the new rifle have been already decided upon, so as to justify the order for so large a number of the bayonets which will be attached to them?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): Yes, Sir; a contract has been given to Messrs. Wilkinson for 150,000 sword bayonets. No adverse Report on the Enfield-Martini sword bayonets was made by the recent Royal Commission. It is not desirable, in the interests of the contractors, to publish the price to be given for these bayonets; but I shall have no objection to state the same privately to my hon. Friend. The length of the blade is 18¼ inches, and it must stand a vertical pressure of not less than 160 lb. before deviating from the perpendicular; also to be sprung round a curved block (depth of curve 2¼ inches), and to stand a spring of 1 inch without taking a permanent set; also to be struck flatwise on back and edge in a mechanical striking machine, the weight of each blow to be from 168 lb. to 170 lb. These bayonets will answer either for the Martini-Henry or for the new rifle. This supply has been ordered to meet the demands of the Navy, and to provide bayonets for arms which will be ready by the time this contract is completed.

POST OFFICE (IRELAND)—TELEGRAPH LINE TO CHARLESTOWN.

Mr. DILLON (Mayo, E.) asked the Postmaster General, What is the cause of delay in completing the telegraph line to Charlestown, County Mayo; and, whether he will cause the line to be immediately completed?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University), in reply, said, the telegraph line to Charlestown was erected some time ago; but owing to a question having arisen as to certain irregularities in the post office there it was thought advisable to defer the completion of the extension. The extension had now been finished, and the office was opened for telegraphic business that day.

PARLIAMENT — REMUNERATION OF WITNESSES ATTENDING PARLIAMENTARY COMMITTEES.

Mr. LAWSON (St. Pancras, W.) asked the Parliamentary Secretary to the Treasury, Whether it is the case that witnesses attending Parliamentary Committees from the country are allowed reasonable sums of money on account of absence from home in addition to expenses of their journey to London and back; and, if so, why witnesses from the Metropolis are not allowed a like compensation for enforced absence from their homes and occupations?

The PARLIAMENTARY SECRETARY (Mr. Akers-Douglas) (Kent, St. Augustine's): Witnesses attending before Select Committees of the House of Commons are paid in accordance with a scale which was approved by the Speaker in 1882. Under this scale witnesses residing in or near the Metropolis are not entitled to remuneration; but there is nothing to prevent the Treasury from making a payment in any case which may be recommended by the Select Committee as one of hardship or for other special reason.

THE PARKS (METROPOLIS)—ENCLOSURES IN REGENT'S PARK.

Mr. LAWSON (St. Pancras, W.) asked the First Commissioner of Works, Whether the Royal Botanical Gardens and the Toxopholite Grounds form part of the Regent's Park; and, whether the Commissioners of Woods and Forests have any powers of control over these Societies; and, if so, or, in any case, it would be possible to increase their utility and beneficence by the admission of the general public to their grounds, under certain conditions, at stated times?

The FIRST COMMISSIONER (Mr. Plunket) (Dublin University), in reply, said, he had made inquiries as to this subject, which, he understood, was one entirely for the Treasury Authorities, and the Question ought, therefore, to be directed to the Secretary to the Treasury.

WAR OFFICE—THE CHESIL BEACH (PORTLAND)—REMOVAL OF WRECKS.

Colonel HAMBRO (Dorset, S.) asked the Secretary of State for War, If the Chesil Beach between Portland and Wyke Regis is under the jurisdiction of the War Office; and, if it is not, under whose jurisdiction it is; and, if under the War Office, would he, in the interests of the fishermen of Portland and Wyke Regis, give orders for the removal or blowing up of the remains of some wrecks which prevent the fishermen using their nets; or, if he declines to do so, if he will allow private individuals to remove the same in the best way they can?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): It has been decided that these wrecks shall be destroyed by the Royal Engineers by means of submarine mines. Steps will be taken to carry this out as soon as possible.

INDIA—THE PISHEEN VALLEY RAILROAD.

Mr. MUNRO-FERGUSON (Leith, &c.) asked the Under Secretary of State for India, Whether it is true, as stated in *The Times* of 6th June, that the Government of India contemplates carrying the Pisheen Valley Railroad over the Khojak; what would be the cost of such an extension; to what point would the line be carried; and, will this House receive information before any further extensions of railway in the direction of Candahar are undertaken?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): No scheme has yet been adopted by the Government of India for carrying the Pisheen Valley Railway over the Amram Range, either by the Khojak or any other route. So soon as any designs for extending the railway are adopted, the Secretary of State will be happy to communicate the same to Parliament, should it be consistent with the interests of the Public Service to do so. I may remind the hon. Member that the British frontier is on the north-west or Candahar side of the Amram range.

LAW AND JUSTICE (IRELAND)—COURT OF QUEEN'S BENCH—CHANGE OF VENUE.

Mr. MAURICE HEALY (Cork) asked the Attorney General for Ireland, Whether his attention has been called to the following report in *The Freeman's Journal* of the 2nd instant:—

> "Yesterday, in the Queen's Bench Division, in the case of the 'Queen *v.* Fisher,' Mr. Morphy, on the part of the defendant, Fisher, an emergency man, against whom a true bill for murder was found at the last Kerry Assizes, applied that the venue be changed from Kerry to Cork. The defendant fired at and shot a person who he supposed was about to attack him, and he apprehended that he would not get a fair trial in Kerry.
>
> "Mr. Atkinson, Q.C., with whom was Mr. Ronan (instructed by Mr. Morphy, Crown Solicitor for Kerry), said there was no objection to the venue being changed to the City of Cork.
>
> "Order accordingly."

and, whether such report is correct; and, if so, under what law or statute the Court of Queen's Bench acted?

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): My attention was first directed to this case by the Question of the hon. Member. The Queen's Bench has at Common Law jurisdiction to change the venue in the case of any indictment removed into that Court by *certiorari*, as was done in this case.

Mr. MAURICE HEALY: Is it the fact that the jurisdiction of the Queen's Bench is limited to the removal of cases into the Court of Queen's Bench?

Mr. HOLMES: When the case has been removed into the Queen's Bench they can order the venue to be changed.

Mr. MAURICE HEALY: Then what is the object of Clause 4 of the Bill?

UNIVERSITY OF GLASGOW—PROFESSOR OF SCOTS LAW.

Mr. CALDWELL (Glasgow, St. Rollox) asked the Lord Advocate, Whether the appointment has yet been made to the office of Professor of Scots Law in the University of Glasgow; and, if not, what is the cause of the delay?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): There has been no delay in this matter. The resignation of Professor Berry was sent in only about three weeks ago, and the matter is now under consideration.

WAR OFFICE (ORDNANCE DEPARTMENT) — DEFECTIVE WEAPONS — SWORD BAYONETS OF THE CITY OF LONDON ARTILLERY VOLUNTEERS.

Mr. HANBURY (Preston) asked the Secretary of State for War, Whether he has received the Report as to the sword bayonets of the City of London Artillery Volunteers; and whether an order has been issued to the Commanding Officers of Volunteer regiments forbidding them to test their bayonets; and, if so, why?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): A Report has been received from Colonel Hope, the officer commanding the 1st City of London Artillery Volunteers, from which it appears that 19 sword bayonets belonging to that corps were tested, some by being thrust into a bundle of cotton waste, surrounded by from four to six inches of straw, and some by being bent against the ground. As these weapons were, by direction of the Military Authorities, not sharpened in peace time, there is nothing surprising in their bending under the first test; while as regards the second test, the pressure may, for all we know, have been more severe than the weapon could or ought to sustain. Orders have been issued that Commanding Officers of Volunteers are not to apply to the weapons of their corps arbitrary tests of their own selection. If any Commanding Officer doubts the efficiency of his weapons, he should ask that they may be properly tested by experts, instead of himself inventing and applying tests. Speaking generally, I may say that the bayonets of the Artillery Volunteers will be tested as soon as the re-testing of those in the hands of the Militia have been completed. As regards the Infantry Volunteers, their bayonets are of an obsolete pattern, and it is not proposed to re-test them. They will be exchanged for bayonets of the Martini-Henry pattern as soon as sufficient are released from the Regular troops on the issue of the new rifle. I am anxious to make this clear, because some time must elapse before the exchange can be effected.

EDUCATION DEPARTMENT—DRAWING IN ELEMENTARY SCHOOLS.

MR. CONWAY (Leitrim, N.) asked the Vice President of the Committee of Council on Education, Who the Local Inspectors, mentioned in Clause 2, paragraph 8, of the recent Minute relating to aid to drawing in elementary schools, are; who appoints them; what qualifications have they in art or in teaching power; and, inasmuch as the Local Inspectors have, under paragraph 12 of the same clause, to award the marks "excellent," "good," "fair," or "failure," as the case may be, after taking into consideration the method, time of instruction, and the provision of examples, whether the Government will take care that only duly qualified judges of drawing shall be appointed to the position of Local Inspector?

THE VICE PRESIDENT (Sir WILLIAM HART DYKE) (Kent, Dartford): The names of the Local Inspectors will be found on page 2 of the *The Calendar and General Directory* of the Science and Art Department for the present year. They are appointed year by year by the Department, and care is taken that they should be fully qualified for the duties they have to fulfil. But the award under paragraph 12 does not depend upon their judgment alone, or even to any great extent. That is made almost altogether on an examination by the technical examiners of the Department, who are certificated Art masters, of the works executed by the children in the presence of the Local Inspectors.

EVICTIONS (IRELAND)—EVICTIONS IN CO. MAYO.

MR. DILLON (Mayo, E.) (for Mr. CRILLY) (Mayo, N.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact, as stated in *The Evening Standard* of 6th June, that Her Majesty's gunboat *Banterer* has been ordered to proceed from Westport, County Mayo, with the Sheriff of Mayo, his bailiffs, a force of police, and a Resident Magistrate, to carry out 12 evictions on Clare Island, 20 evictions on Innisturk, and a number on Inniskea, in Clare Bay; and, whether it is the intention of the Government to bring in the assistance of the naval forces to aid the soldiers and the police who are now engaged in carrying out evictions in Ireland?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): I think it not improbable that the statement of fact in the first paragraph is correct, though, as the Question is down without Notice, I have no specific information on the subject. The Government will not hesitate, in case of necessity, to employ any force at their disposal to carry out the decrees of the Courts of Law.

MR. DILLON: Will the right hon. Gentleman answer me this Question—

whether the Government, before they take this step, will make inquiry whether during the greater part of last year the whole population of the Island were not supported by public charity connected with this country?

Mr. A. J. BALFOUR: I am perfectly willing to make inquiry on the point, though at this moment I fail to see its bearing upon the Question which the hon. Member puts to me.

ROYAL PARKS AND PLEASURE GARDENS — KEW GARDENS — PARTIAL CLOSURE ON WHIT MONDAY.

Mr. PICKERSGILL (Bethnal Green, S.W.) asked the First Commissioner of Works, Whether the Museums and Tropical Houses in Kew Gardens were closed on Whit Monday last; and, if so, why; and, whether he will make arrangements to have these buildings open to the public on general holidays in future?

The FIRST COMMISSIONER (Mr. Plunket) (Dublin University), in reply, said, that the Museums and Gardens were open on Whit Monday to the public. That was the usual rule on holidays, and it would be adhered to.

METROPOLITAN POLICE—SERGEANT MURPHY.

Mr. CONYBEARE (Cornwall, Camborne) asked the Secretary of State for the Home Department, If his attention has been called to the case of Sergeant Murphy, of the Metropolitan Police, stationed at Her Majesty's Dockyard, Devonport, and who (as reported in *The Western Daily Mercury* of the 21st May, by the correspondent of that paper) has been degraded by the Chief Commissioner of the Metropolitan Police for supposed drunkenness, the fact being that Sergeant Murphy was at the time suffering from illness, and was ordered to be removed to the Royal Naval Hospital by one of the Dockyard doctors; and whether he will inquire into the case; and, if the facts are as reported, direct the Chief Commissioner to reinstate Sergeant Murphy?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I am informed by the Chief Commissioner that this man was reported drunk on the 12th of May, and was accordingly suspended. On the 14th he was reduced. It was after this that, probably from the effects of drink, he became so excited that he had to be removed to the hospital. I must decline to interfere with the discretion of the Commissioner in awarding punishments in such cases.

PUBLIC BUSINESS—LEGISLATION OF THE SESSION.

Mr. E. ROBERTSON (Dundee) asked the First Lord of the Treasury, What measures, if any, other than the Criminal Law Amendment (Ireland) Bill, the Government intends to proceed with this Session; and, what means the Government will adopt to enable the House to consider such measures, as well as the Bills of private Members, for which no opportunity of discussion has hitherto been found?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): I am not in a position to inform the hon. and learned Gentleman what measures the Government will proceed with other than the Criminal Law Amendment (Ireland) Bill during the present Session. The progress which has been made with that Bill is not sufficient to justify me in anticipating the day on which it will pass through this House. Till then I cannot state, or see distinctly, what the course of Public Business is likely to be; and I cannot say what measures, if any, other than the Criminal Law Amendment (Ireland) Bill the Government will think it right to press upon the attention of the House. That answer will apply also to the second part of the hon. and learned Member's Question. I shall possibly find it my duty to ask the House to take some measures to promote the greater despatch of Public Business. I hope it may not be necessary to do so; but I am not in a position to do so at this moment.

Mr. E. ROBERTSON: What is the nature of these measures, and when is the right hon. Gentleman likely to make his demand?

Mr. W. H. SMITH: I am not in a position to do so, Sir.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): How does the Government propose to fulfil its pledge, given early in the Session, that this House would not part with the Criminal Law Amendment (Ireland) Bill till it was in possession of the Irish Land Law Bill, which seems to have fallen asleep, or dropped out of existence, in "another place?"

Mr. W. H. SMITH: By the honourable fulfilment of the engagements made by the Government in this House.

In answer to Mr. Burt (Morpeth),

Mr. W. H. SMITH said, the Government were most anxious to provide facilities for the discussion of the Coal Mines, &c. Regulation Bill; and if it were agreeable to hon. Gentlemen interested in the measure, the Government would endeavour that it should be reached at half-past 11 or 12 o'clock on Thursday night. He was not at present in a position to give an evening for the discussion of the question.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—ACCIDENT TO A WORKMAN.

Mr. CONYBEARE (Cornwall, Camborne) asked the First Lord of the Treasury, Whether he will provide that out of the £17,000 recently voted for the Jubilee Service in Westminster Abbey, a sufficient compensation shall be paid to the family or relatives of the workman who has been killed, and to the other workmen who have been, or may be, injured in the course of their duty upon the said work?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminister): The Government are not liable for accidents to workmen in the employment of contractors, and that must be my answer to the Question of the hon. Member, though they deeply regret that any person employed under these circumstances should meet with so serious and fatal an accident.

EGYPT—THE ANGLO-TURKISH CONVENTION—FRANCE AND THE NEW HEBRIDES—THE PAPERS.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I wish to ask the First Lord of the Treasury a Question, of which I gave him private Notice yesterday, When the Government will be able to lay upon the Table of the House Papers relating to the Egyptian Convention, and also any Correspondence which has taken place between the Government and the Government of France in relation to the New Hebrides?

Sir George Campbell

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster): With regard to the Egyptian Convention, I hope it will be in the power of the Government to lay Papers on the Table in the course of a few days. With regard to the New Hebrides, negotiations are still in progress; but they have been undoubtedly delayed. But that is not due to any *laches* on the part of Her Majesty's Government. Therefore, I am unable to give any undertaking in regard to that part of the Question.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—ACCOMMODATION FOR SERVANTS OF THIS HOUSE.

Mr. BRADLAUGH (Northampton) asked, Whether, in the arrangements that had been made for the 21st of June, any provision had been made for the minor servants of the House, to whom they were all much indebted?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I am sure every Member of the House will be exceedingly glad if it is possible to make any such provision. I am only a Member of the Committee; but I will take care that the matter is brought to the notice of the Committee.

THE SELECT COMMITTEE ON MARKET TOLLS—NOMINATION OF THE COMMITTEE.

Mr. T. M. HEALY (Longford, N.) asked when the Committee on Market Tolls would be selected, and whether attention would be paid to the Irish branch of the subject; and also whether in the selection of it some attention would be paid to the Irish Members?

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster) said, he would take care the subject was not lost sight of.

POST OFFICE—EAST INDIA AND CHINA MAIL CONTRACT.

Mr. PROVAND (Glasgow, Blackfriars, &c.), asked Whether, as a great number of hon. Members took a great interest in the question of the contract for the conveyance of mails to the East, the First Lord of the Treasury would pledge himself that the Resolution on the subject should be brought on for discussion by half-past 10 or 11 o'clock at night?

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster) said, he was anxious, as much as possible, to consult the convenience of hon. Members; but he was afraid he would not be able to bring on the mail contracts at so early an hour, unless they had extraordinary and rapid progress with the Criminal Law Amendment (Ireland) Bill, which he hoped might be the case. In such circumstances, he should endeavour to meet the hon. Member's wishes.

DR. CLARK (Caithness) asked whether the right hon. Gentleman was aware that last night, when the Vote was on, the Postmaster General stated to the House that they would have an opportunity of discussing the question of these contracts, and that on that understanding they did not continue the discussion?

MR. W. H. SMITH replied, that he hoped there would be an opportunity for discussing the question of these contracts; but it was impossible for him to make any engagement in the present condition of Public Business, unless the House would itself assist the Government in forwarding that Business.

MR. PROVAND said, the right hon. Gentleman himself said it might come on at 12 o'clock. Now, as this was a most important matter, he would ask him to consent to its being taken at 11 o'clock?

MR. W. H. SMITH: I am sorry to say that I cannot meet the hon. Gentleman's wish.

ORDERS OF THE DAY.

—o—

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. A. J. Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 23rd May.*]

[THIRTEENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

SPECIAL JURY AND REMOVAL OF TRIAL.

Clause 3 (Order for special jury).

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): With the permission of the Committee, and for the benefit of those hon. Gentlemen who have not, perhaps, gone through the Amendments on the Paper, I will follow the example which was set the other day by the First Lord of the Treasury.

MR. T. M. HEALY (Longford, N.): I rise to a point of Order. On a former occasion the course which the right hon. Gentleman now proposes to adopt was taken by the First Lord of the Treasury, who wasted about a quarter of an hour, which resulted in no advantage whatever. Unless hon. Members are to have the right to discuss the statement the right hon. Gentleman proposes to make, I respectfully submit that that statement will not be in Order.

THE CHAIRMAN: Of course, the right hon. Gentleman is not entitled, as a right, to make a statement except with the consent of the Committee. [*Cries of* "No!" *from the Irish Members.*] It is, however, generally permitted to a Minister in the position of the right hon. Gentleman to do so when it is for the convenience of the House.

MR. A. J. BALFOUR: I shall not detain the Committee long.

MR. LABOUCHERE (Northampton): I rise to Order. You have just stated, Mr. Courtney, that the right hon. Gentleman is not in Order in making a statement, unless he does so with the consent of the Committee, and that consent, at present, has not been given.

SIR WILLIAM HARCOURT (Derby): I understand that the right hon. Gentleman desires to make a statement which it would be for the convenience of the Committee that he should make. That being so, I think, having regard to the universal practice of the House, that the House is in the habit of consenting to that course being adopted in the interests of Public Business; and I hope the right hon. Gentleman will, therefore, be allowed to make his statement.

THE CHAIRMAN: In regard to the point of Order raised by the hon. Member for Northampton (Mr. Labouchere), I may say that it is not necessary that every single voice should consent to a statement being made.

MR. LABOUCHERE: In this case it was not a single voice, but a good many voices.

SIR WILFRID LAWSON (Cumberland, Cockermouth): The point is, whether hon. Members will be allowed to discuss the statement if the right hon. Gentleman is allowed to make one?

Mr. A. J. BALFOUR: I do not, of course, mean to discuss the merits of any Amendment on the Paper; but I may remind the House that, while the Amendments to this clause yesterday amounted to the modest number of six, they have grown since to 55.

Mr. T. M. HEALY: I rise to Order. I wish to know whether the statement of the right hon. Gentleman is in Order, seeing that it is an indirect attempt to fasten an unfair charge upon hon. Members who have put Amendments on the Paper?

The CHAIRMAN: Of course, the right hon. Gentleman must refrain from making any charges, direct or indirect, against hon. Members, or from entering into debateable matter.

Mr. A. J. BALFOUR: I am bound to deny that I had the slightest intention of casting any aspersion on any hon. Member, either directly or indirectly, or of raising any controversial matter; but as a large section of the Committee appears to object to my making a statement I will not do so.

Mr. O'DOHERTY (Donegal, N.): I beg to move, as an Amendment, in page 3, line 7, after the first word "where," to insert the words "after the passing of this Act." The 2nd section of the Bill specifies a number of offences, and provides that they shall be tried by a summary tribunal specially composed, and consisting of men of such experience and legal knowledge as the Lord Chancellor may be advised to appoint. It will be remembered that the Government, when they were defending the 2nd clause of the Bill, stated that the reason why they had provided that it should not have a retrospective operation was because there was to be a new tribunal to decide questions of law and fact; and for that reason, and on that ground, they based their proposal to make the 2nd sub-section of the 2nd clause prospective instead of retrospective. Then I would ask the Committee to consider whether there are not far stronger grounds for determining that the operation of the 3rd clause should not be retrospective? Certainly, the grounds are much stronger than those which seem to have actuated the Government in the former case and on which they professed to act—namely, that a serious change has been made in the procedure for the trial of these offences. The Committee will remember that the cases which gave rise to the Juries Act in Ireland were principally these—the Sheriffs of the various counties in Ireland were in the habit of selecting the juries, and the manner in which they selected them was so abominable that it became a perfect scandal, so much so that the Government of the day—for at that time the general sense of Parliament condemned the action of the Sheriffs and Sub-Sheriffs in empannelling juries—provided a very high qualification in the hope of getting the jury panel to work more easily. Now, the peculiarity of the decision on that occasion, and it is the matter to which I wish to call the attention of the Committee, was this—that the Parliament of this country decided that the persons who were charged with the selection of the jurors should not be entrusted with the power of empannelling juries. Now, the object of this clause is altogether the reverse, and it will give to a particular class not merely the empannelling and selection of the jurors, but will enable them to try every case themselves. Over more than one-half of Ireland the qualification for a special juror is £150, and, consequently, the privilege is confined to landlords, land agents, and persons of that class. If when the power of selecting jurors was in the hands of the same individual it became a scandal and a reproach, and Parliament found it necessary to take it from them, surely, at the present time, when agrarianism is really the matter the Government profess to aim at, their proposal to hand over to a class who have so disgraced themselves and so dishonoured the administration of justice in the trial of the guilt or innocence of their political opponents is preposterous. It is quite plain that if the Government were of opinion that to hand over the summary jurisdiction in minor offences to two Resident Magistrates with special legal knowledge and experience was such a serious thing that they would not make the operation of the clause retrospective, then, *à fortiori*, in this case a trial by a special jury in Ireland is a far more serious matter. It is for these reasons that I think my Amendment which proposes that past indictments—indictments already found—should not be subjected to the operation of this clause—that, in point of fact, the operation of the section should be prospective and not retrospective. Feeling that the principle contained in the Amendment is manifestly one which, after the decision upon the 2nd clause, the Committee ought manifestly to adopt, I beg to propose the Amendment which stands on the Paper in my name.

Amendment proposed, in page 3, line 7, after the word "where," insert the words "after the passing of this Act."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The argument of the hon. Gentleman appears to be directed against the principle of having special juries at all, rather than against the retrospective action of the clause. An objection to retrospective legislation may be perfectly valid in its proper place; but on this occasion it has very little application to the clause under discussion. The Government are of opinion that if a crime were committed—for instance, between to-day and the time of the passing of the Act—it ought to be punished by the machinery provided by this clause. That being so, it is impossible for the Government to accept an Amendment which would practically give immunity to all offences committed between this time and the time when the Act will become law. Under these circumstances, the Government cannot accept either the Amendment or a subsequent one by the hon. Member, which deals with the same question.

MR. T. M. HEALY (Longford, N.): I wish to ask the Attorney General for Ireland whether it is not a fact that the Government have themselves, on a recent occasion—I think the 2nd of June—in the case of the Kerry Emergency men, obtained or assented to a change of venue? I also wish to know how many prisoners are now awaiting their trial in Ireland? Further, is it a fact that at the last Clare and Limerick Assizes there was a change of venue, so that before the Bill comes into operation at all the men now in prison will have to suffer an additional three months' imprisonment? As some of them may be detained in prison, in view of the possible passing of this Bill, I want to know how many prisoners there are in Ireland now awaiting trial to whom this section will apply?

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I do not think I should be in Order if I were to discuss questions that have reference to another clause of the Bill. Later on the question of change of venue will more properly come on for discussion. In regard to the number of prisoners now awaiting trial in Ireland, I am unable to give the hon. and learned Gentleman the information he desires; but if he will put a Question on the Paper in an ordinary way, I will obtain information on the points to which he has referred. I believe that what occurred at the Clare and Limerick Assizes was due to the action of the Court itself.

MR. T. M. HEALY: No; to the action of the Crown.

MR. HOLMES: I am not able to enter further into the matter now.

MR. CHANCE (Kilkenny, S.): The right hon. Gentleman the Chief Secretary has told the Committee that if the Government were to accept the Amendment, and were to confine the operation of the clause to cases which may arise after the passing of the Act, a certain number of offenders would obtain immunity; but he seems to have overlooked the fact that in Ireland, considering the weakness of the evidence in many of the cases brought on for trial, Irish juries evince quite as much readiness as English juries to convict, and, in fact, a good deal more. I only rose for the purpose of pointing out to the Committee that, in refusing to accept this Amendment, the Government will secure for themselves the right of selecting from a jury panel containing 200 or 250 names any 12 they may consider reliable, and they will have no difficulty either in obtaining special jurors, or in selecting those whom they know will convict.

SIR WILLIAM HARCOURT (Derby): I understand that the question raised by the hon. Member below the Gangway is the substitution of a common jury for a special jury in cases of treason and treason-felony. Therefore, as I understand the objection, it is one which is raised against the whole of the clause. Personally, I shall vote against the clause; but I think it is unnecessary to discuss the Amendments which are proposed to be made in it. I do not feel sure that the question which has been raised by the hon. Member will be best discussed on this clause; and, in regard to prisoners now awaiting trial, their cases are those in which indictments have already been found. What I would venture to suggest is that the best course for the opponents of the Bill to pursue would be to confine the discussion of the provisions of the measure to points which raise what may be called vital principles in the various clauses, and to divide against every clause by way of protest against the Bill generally. That seems to me to be a reasonable way for the Opposition to assert their views with respect to the principle of the Bill, and I hope it will be the course that will be pursued. We shall, in that case, be able to record our protest against the clause, and that protest will remain upon the records of Parliament.

Mr. PARNELL (Cork): I think the advice which has just been given to my hon. Friends by the right hon. Gentleman the Member for Derby (Sir William Harcourt) is good advice, and I have no doubt that they will pay the attention to it which it deserves, as coming from one of such great experience in the usages and traditions of the House as that which is possessed by the right hon. Gentleman. I, too, think, in view of the late period of the Session at which the Committee has arrived, and the vast number of principles of vital importance which still remain to be discussed in the remaining clauses of the Bill, that my hon. Friends, who have conducted the opposition to this Bill up to the present moment with such skill, judgment, and courage, would do well to select from among the Amendments on the Paper those which they deem to be absolutely indispensable to press upon the attention of the Committee. It is obvious that the time will not be sufficient to allow of full discussion, or, indeed, any sort of discussion, upon the smaller points which my hon. Friends are desirous to bring before the attention of the Committee. I speak with great diffidence as one who has not been able to take any part in the proceedings in Committee up to the present moment, and consequently as one who is liable to incur the imputation of insufficient knowledge of what has been going on in his absence. Still, as far as my humble opinion goes, I would strongly support the advice given by the right hon. Gentleman the Member for Derby, and I will ask my hon. Friends to select those matters of pressing, urgent, and vital importance which they desire to press on the Committee, and to claim from this Committee with the utmost fearlessness, and with the utmost determination, that a full opportunity shall be afforded to them to discuss those matters.

Mr. O'DOHERTY: Of course, I feel that the point I have raised, which has reference to indictments already found, may be properly raised on another clause, and the principle fairly discussed. I will, therefore, ask the leave of the Committee to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

The CHAIRMAN: Does the hon. Member propose to move the next Amendment, which is also in his name?

Mr. O'DOHERTY: No.

Mr. ARTHUR O'CONNOR (Donegal, E.): I wish to move as an Amendment, in the first line of the clause, after "crime," to insert "other than treason-felony or treason." The Government have on previous occasions manifested a desire to show that the proposals embodied in the Bill are nothing more than the reproduction of provisions which are already in force. In regard to the law of England and Scotland, whether they are correct in that assumption or not is a matter of opinion; but, at any rate, that being their view of the matter, I presume that they cannot object to a proposal to assimilate the law of Ireland to that which obtains in this country. The Amendment which I have placed on the Paper is in accord with the existing law of England. At present there is no right to claim a special jury for the trial of cases of high treason or treason-felony either in the Court of Queen's Bench or any other tribunal, nor is there any such right in cases of misdemeanour tried at the Sessions and Assizes—that is to say, that there is no absolute right of trial by special jury; but a special jury may be allowed in a case of misdemeanour, where it has been ordered by the Queen's Bench Division, subject to certain conditions laid down in the 16 & 17 *Vict.* c. 30. Those provisions stipulate that the form by which an inferior Court may empannel a jury in a criminal prosecution for misdemeanour should be prescribed by the Queen's Bench Division under a writ of *certiorari.* In that event an indictment may be removed; but only under the provisions of the Act I have mentioned, and the removal can only take place either when the indictment in the Court below is against a body corporate, which is not the question here, or else where it has been made to appear to the higher Court that a fair and impartial trial cannot otherwise be had. The Amendments which I have placed upon the Paper have been drafted with the intention of allowing not only the Attorney General, who has now a right, on the part of the Crown, to demand the removal of a case into the Queen's Bench Division, but also of enabling the prosecutor or defendant to have the same right—namely, the right of removing, under a writ of *certiorari*, a case in the Queen's Bench Division. If the Committee accept my Amendments, it will then be open to the defendant to apply for a special jury; and he would have to do so not by an *ex parte* motion, but by a motion in Court, and not in Chambers, with notice duly served upon the other side, and he must be prepared to show cause why the application for a special jury should be entertained. At the present moment it is not necessary that I should urge further reasons for the acceptance of my Amendments; but I should certainly like to hear from the Attorney General for Ireland, or the Attorney General for England, what objections there can be to the proposal.

Amendment proposed, in page 3, line 7, after the word "crime," to insert the words, "other than treason felony or treason."—(*Mr. Arthur O'Connor.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The hon. Member, in moving the Amendment, has referred to other Amendments which stand in his name, and which relate to subsequent portions of this clause, but which certainly seem to me to be of a character altogether unsuitable for adoption in the clause as it now stands before the Committee. I may add that before the Amendments of the hon. Member can come on for discussion, there are one or two important Amendments standing in the names of other Members, which seem to me to raise, in a more definite way, the matters to which he has referred. The Amendment now proposed by the hon. Member is to the effect that an order of the Court for empannelling a special jury shall not apply in cases of treason-felony or treason. The hon. Member is quite right in saying that, as the law stands at the present moment, both in England and Ireland, a special jury cannot be empannelled for the trial of a case either of treason or felony. I believe the origin of that exception was that a special jury under the old system was incompatible with the challenges allowed by law to the accused. The Crimes Act of 1882 altered that state of things, and provided that a special jury might be taken from a long panel with the right of challenge which the law now gives, and that is practically the proposal we now make in this clause. One of the grounds upon which we do this is that, in trials for treason and treason-felony, it is particularly desirable to have juries of intelligence and independent minds. It is very difficult indeed for an ordinary common jury to follow the charge of a Judge in difficult cases of this kind, involving a considerable amount of technical legal matter. I think most hon. Members would regret that cases of that kind should be tried by individuals whose intelligence is not sufficient to enable them to understand the merits of the case and to comprehend the directions of the Judge. Under these circumstances, I feel that I have no alternative but to oppose the Amendment moved by the hon. Member.

MR. ARTHUR O'CONNOR: The reason why I consider it necessary to include the words "treason or treason-felony" in the Amendment was, as I explained at the outset of my observations, that at present neither the Crown nor the defendant in a case of treason or treason-felony has a right to claim a special jury, either in the Queen's Bench Division or elsewhere. I pointed out that, in my opinion, it is necessary to recognize in the present section the exception thus made in the existing law. In some cases of treason you may have a trial at Bar with the Court sitting *in banco*, so that there would be no need to empannel a special jury, and it is for totally different cases that special juries are allowed in this country. Even if the Committee are prepared to take the view of the Attorney General for Ireland, I think it would only be reasonable to make this exception from the operation of the clause of cases of treason and treason-felony, and I trust that the Government will adopt my Amendments. They cannot afterwards be embarrassed by them in the slightest degree. At any rate, they will be aware that there would be no departure from the construction of the Bill beyond that which is absolutely necessary, because, according to the professions of the Government themselves, their desire is to make the provisions of the measure as much like those which now apply in England and Scotland as possible.

Sir CHARLES RUSSELL (Hackney, S.): If provisions of this nature are to be applicable to any class of offences, I cannot see any reason why there should be a special exemption in regard to this particular class of offences. I would, however, suggest to the right hon. Gentleman in charge of the Bill that it would simplify matters if he would give some indication as to what the view of the Government is in regard to the later Amendments. I hope that I am not out of Order in making this reference; but, speaking for myself, and speaking also, I believe, for a good many on this side of the Committee, I would suggest that the difficulty might be best met by adopting a later Amendment which stands in the name of the hon. and learned Member for South Donegal (Mr. Mac Neill), which provides that—

> "On application of either the Attorney General or the defendant on notice of motion or summons to the other side, make an order that the trial of the defendant or defendants, if more than one, shall be by a special jury.
>
> "No such order shall be made unless the High Court is satisfied that the application for it is not made vexatiously or for delay, and that it is expedient for the ends of justice that the trial should take place before a special jury. The court may in such order postpone the trial on such terms as seem just."

The adoption of that Amendment would obviate many of the objections which I entertain to the clause as it stands. I quite recognize that the provisions of the Act of 1882 may be looked upon by the Government as a justification for the provision as it stands in the Bill; but the circumstances of the case were very different, and I would point out that the provisions of this measure are to be permanent in their character, and are to remain as part of the general law of the country.

Mr. A. J. BALFOUR: I think it would be entirely out of Order if we were now to discuss a later Amendment —No. 23—on which the point raised by the hon. and learned Gentleman will probably arise. I cannot, however, hold out any hope that the Government will be able to accept the Amendment referred to by the hon. and learned Member.

Mr. T. M. HEALY: The hon. and learned Gentleman the Chief Secretary to the Lord Lieutenant is entirely mistaken in the statement he has made that this clause was contained in the Crimes Act of 1882. It was nothing of the kind; but, on the contrary, the clause we are now discussing is as different from the clause in the Act of 1882 as chalk is from cheese. To begin with, in the Act of 1882 there was a definite number of jurors to be summoned. I believe it was necessary to summon 200 in all. [Mr. Holmes dissented.] I think I am right in asserting that under that Act it was necessary to summon a definite number of jurors; but under this Bill the provision, instead of being of so innocuous a character, the Lord Lieutenant, by Clause 15, will have power to make rules concerning all matters of procedure in cases where a special jury is required. After laying down a long and atrocious list of things which the Lord Lieutenant may do, the clause says that he

> "may, from time to time, make, and when made, revoke, add to, and alter rules in relation to the case where a special jury is required and the number of jurors to be returned on any panel," &c.

So that if there are 5,000 jurors on the Sheriff's book, he may select any 12 of them he pleases to try a case of treason or treason-felony.

The CHAIRMAN: I think that the hon. and learned Member is travelling altogether wide of the special Amendment now before the Committee.

Mr. T. M. HEALY: I quite recognize the justice of your ruling, Sir; but I was only stating what the nature of the clause in the Act of 1882 was, and I was only at the beginning of my argument to show that it was not at all identical with the clause we are now dealing with.

Therefore, under the circumstances, your ruling, Mr. Courtney, will probably save the Committee a considerable amount of time. The Bill declares that—

> "It is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business."

Now, Sir, we have already resisted, and we shall continue to resist, every pretence for saying that there is any ground whatever for the statement that persons who are called upon to perform the duty of jurors in Ireland are likely to be placed in any peril whatsoever. Let me point out that the Fenian prisoners in 1865, 1866, 1867, and 1870 were convicted by common jurors. Such a thing as a special jury did not then exist for the trial of such offences, and the Fenian prisoners were convicted by the common jurors of the City of Dublin. Not only so, but John Mitchel was convicted by common jurors in 1848—men who were very well known in the City of Dublin, but of whom half-a-dozen at least are living at the present day. Although John Mitchel was a man most revered throughout the whole of Ireland for his patriotism and the staunchness of his convictions, the jurors who convicted him went absolutely free from harm down to the present day. Then, what is the difference that exists between 1887 and 1865 and 1867? Twenty years ago you had a tremendous organization in Dublin which shook the confidence of the Government in the administration of the law, and it was worked by secret means, with the use of weapons of various kinds. Part of the organization of that Fenian Society included a resort to force when necessary, and the number of the Fenian Body in Ireland at least amounted to 100,000 men, most of them enrolled in the City of Dublin. Yet, notwithstanding those circumstances, the Government were able to obtain the conviction of some 300 or 400 Fenians between the years 1865 and 1868, and I challenge them to say whether one single juror suffered the slightest hurt or harm, either in person, property, or business, in consequence of the part he took in securing those convictions. The right hon. Gentleman opposite knows very well that nothing of the kind occurred. We are now told that special qualifications are required for the jurors who are to convict in cases of treason or treason-felony. The law of England is much more favourable to prisoners on trial for treason than that which exists in Ireland. In England you give 35 challenges to the prisoner, and although you say that you are anxious now to assimilate the law of the two countries what you really do is this. If the prisoner is tried at the Old Bailey he can challenge 35 jurymen; whereas if he is tried in Dublin he can only challenge 20. Hitherto cases of treason tried in Dublin have been dealt with by common jurors, except at a time when we had American prisoners brought up for trial, in which case one-half of the jurors were aliens, the rest being picked out from the common jury class. I cannot remember that there was any difficulty in conducting those trials. The Government obtained convictions, and the common jurors proved to be perfectly capable of understanding the technical charges of the Judges. Although the egg of conspiracy was hatched, so to speak, in America, and the cases were tried in Ireland, the jurors proved themselves perfectly competent to understand the law. Yet we are now told, 20 years afterwards, that although the school boards have been at work nearly ever since, that individuals selected from the common jury panel would be unable to discharge their duty fairly and impartially, or to understand the nature of the directions given to them by the Judges. The real effect of this clause will be this—you may have a panel with 1,000 names upon it, with a full right of "stand by" on the part of the Crown to reduce that 1,000 to 12. The Attorney General will be able to challenge 988, and yet he tells us that out of the *residuum* he would not be able to get a sufficient number of common jurors to try a case of treason-felony. I contend that this argument is altogether absurd. If the Government are going to rely upon special juries let them abandon their right of "stand by" altogether, and place themselves and the prisoners on the same terms. At the rate, let them give to Ireland the same law as exists in England. Certainly, in view of the fact that the Government would have an illimitable right of challenge, I think they might accept the Amendment. Perhaps hon. Members are under the impression that common jurors in Ireland are really very low people. If any hon. Member who takes an interest in Ireland will turn to a Return obtained by me, he will find that in the very counties in which the Government declare that they are unable to obtain convictions, the number of common jurors is very limited. Let me take the case of the County of Kerry. There are in that county 22,517 voters, and only 1,178 common jurors, or one common juror in every 20 voters. It is the same in the other counties of Ireland. It is, therefore, a great mistake to suppose that common jurors are persons who belong to the lower classes, seeing that in most of the counties of Ireland there is only one common juror to 20 voters. I think, therefore, that it is most unreasonable to say that when a case of treason or treason-felony is brought on for trial before a Court of Justice a common jury would be incapable of dealing with it, and that it is absolutely necessary to deal with it by a special jury.

Sir WILLIAM HARCOURT (Derby): I think it would have a tendency to clear up this matter if the Attorney General for Ireland will consent to follow the precedent set in the Act of 1882. It was then provided that special jurors should be elected by ballot, in the manner provided by the 19th section of the Juries Procedure (Ireland) Act of 1876. What I wish to know is whether it is intended that the jurors, under this measure, shall be selected in the same manner as under the Act of 1882?

Mr. HOLMES: I must point out to the right hon. Gentleman that the precedent of that Act has been followed, as he will find by reference to the 9th clause of the Bill, which runs as follows:—

> "Where under this Act a trial is had by a special jury, the special jurors shall be taken by ballot in the manner provided by the nineteenth section of the Juries Procedure (Ireland) Act, 1876, from all the jurors upon the panel returned by the sheriff from the special jurors' book."

Mr. MAURICE HEALY (Cork): No doubt we are dealing with a clause which bears some resemblance to a corresponding clause in the Act of 1882. But I maintain that it is impolitic to pass the section at all, for reasons which have already been urged in support of the Amendment. May I point out that in the Bill of the Government themselves there is a precedent for limiting the scope of its operation. In the 2nd sub-section of the 4th clause provision is made for a change of venue in certain cases, and the Government have introduced into that sub-section a provision that it shall only apply to a very limited number of cases. The argument which has been urged in the course of this discussion is that if this clause is to pass at all there is no reason why it should be made to apply to cases of treason and treason-felony, and I certainly can see no reason why it should be made to apply to offences which are not specified in Sub-section 2 of Clause 4. The principle of the criminal system of this country is that when a man is charged with an offence he shall be tried by his country. In a striking and even touching form, which is, to the present day, observed in our Courts, when a man is called upon to plead he puts himself upon his country. No doubt, in regard to a certain class of offences, which are of such a character that they shock the moral sense of the community, it really does not matter whether you carry out that theory or not, because from whatever class the jurors might happen to be drawn, we may rest perfectly satisfied that justice would be done. If a man is charged with murder, rape, or arson, or with a serious offence in which no political or agrarian question arises, we may rest perfectly sure that, from whatever class the jurors are drawn, substantial justice will be done. It may be assumed that no person is so degraded as wilfully to convict, or acquit wrongfully, a person charged with such a crime. But when you come to deal with a class of questions in which political or agrarian considerations arise there may be a serious conflict between the Crown and Her Majesty's subjects, and it then becomes essentially necessary that the men who are to be tried should be tried by their country or by their peers. It cannot be alleged that that would be the case if, under this measure, individuals who are charged with political offences, instead of being tried by jury, selected in the ordinary way, are to be tried by a jury which the Crown is to be permitted to select from a small and narrow class. One of the charges which was made against the Government in 1848 was that, in trying the prisoners who were then charged with treason and treason-felony, they filled the jury-boxes with Castle shopkeepers, who had the Lion and Unicorn over their shop doors, and who depended for their livelihood upon the custom of the Viceregal Court. I trust that the Government will not lay themselves open to a charge of that kind in the future. Public men in Ireland may feel themselves compelled to take the same course which they have taken in past times; and if such a state of things should arise Her Majesty's Government ought not to have it in their power to prostitute the forms of law by putting men on their trial before a tribunal not selected as the law now requires, but from a class of men who are notoriously hostile to the persons who would have to be tried. That is the reason we urge for distinguishing cases of treason and treason-felony from the ordinary crimes which this section will enable the Government to submit to a special jury. I trust my hon. Friend (Mr. Arthur O'Connor) will insist on pressing his Amendment, unless he succeeds in obtaining some concession from the Government on this important point.

MR. MAC NEILL (Donegal, S.): I cannot help expressing my regret that the Government have not seen their way to permitting the law of England and Ireland in this matter to be assimilated. By their refusal they have made still wider the chasm which exists between the Irish and English Criminal Law. I regret this the more, because only in very recent years there was a Criminal Code Commission appointed, upon whose Report a Bill was presented to this House proposing—the Commission itself having consisted of four distinguished Judges—that the Criminal Law of England and Ireland should be assimilated to the fullest extent possible. The Law Advisers of the Crown do not seem to be able to give any precise reason why, as the law now stands, there should be a special jury in a case of misdemeanour, but not in a case of treason or treason-felony. However, as a matter of fact, a special jury is only allowed in certain cases of misdemeanour, when the misdemeanour has been brought, by writ of *certiorari*, into the Queen's Bench Division. In ordinary cases no special jury is allowed; but by law it is allowed under certain restrictions upon an application to the Court by means of a writ of *certiorari*, and very frequently the Court refuses to grant the application. Why are special jurors allowed in cases of misdemeanour? It is simply for this reason—that the theory of the law is that in cases of misdemeanour the contest is merely a personal one, whereas in the case of a felony direct provisions of the Criminal Law have been violated. For this simple reason a special jury has not been allowed in cases of treason and treason-felony, although, at the option of the Court, it may be allowed in a case of misdemeanour. The theory of the law is that when a true Bill is found against a prisoner charged with treason or treason-felony he ought to be tried by his peers. The Common Law, both of England and Ireland, previous to the Crimes Act of 1882, was that every man charged with such an offence should be tried by his peers. Under this clause provision is made that the prisoner shall not be tried by his peers, but by persons to be selected for the purpose of trying him by the Government of the day. As a matter of fact, it is proposed that the Public Prosecutor, representing the majesty of the law and of the public at large, should demean himself by becoming a political agent of the Government. My hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) has already shown that by the adoption of this provision there will be a great difference in the state of the law, even in regard to challenges. Under these circumstances, I beg to support the Amendment of my hon. Friend (Mr. Arthur O'Connor).

MR. J. O'CONNOR (Tipperary, S.): I can quite understand why the Government should adhere to their determination in regard to this Amendment if it were an historical fact that there is, on the part of the common jurors in Ireland, either an incapacity to comprehend the law of treason, or an unwillingness to find their fellow-citizens guilty. In the cases referred to by my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) — the Fenian cases which occurred between 1865 and 1868—many very complicated charges of treason were brought against the men who were put upon their trial. In some of those cases it had to be proved that overt acts of treason had been committed outside the Realms of Her Majesty. Nevertheless, it was frequently difficult to prove those overt acts of treason which had been committed in America; but, although it was often difficult to obtain evidence to corroborate the testimony of an informer, no case ever occurred where a common jury, in the exercise of its duty, failed to comprehend the law or to bring in a verdict. On the contrary, the common jurors invariably showed full capacity to comprehend the law upon the matter, and they displayed a willingness to convict where the evidence was sufficient, and the charges had been fully proved. The right hon. and learned Gentleman the Attorney General for Ireland, as well as other hon. Members of this House, must remember those cases. I have a distinct recollection of them myself. The trials took place in some of the principal cities of Ireland, and many of them occurred in the City of Cork, where I was a resident at the time. My experience is, that no class of jurors in that city showed the slightest hesitation whatever in finding verdicts against their fellow-citizens, even against men they had met every day in the week who were engaged in the same class of business as themselves, and with whom they had been on friendly and intimate terms. Notwithstanding the bonds of friendship and the ties of fellow-citizenship which drew them together, they displayed every readiness to bring in verdicts of guilty when the charges were fully proved. These were political offences, and they were tried at a time when the agitation in Ireland was of a purely political character; and therefore, reasoning by analogy, it cannot be said that in the social revolution which is now taking place in Ireland a similar readiness to convict may not be found. Let me point to the example of the Assizes at Cork held in the winter of last year. If the hon. and learned Solicitor General for Ireland (Mr. Gibson) were in his place I would appeal to him with confidence to say whether or not the ordinary jurors summoned to serve at the Munster Winter Assizes performed their duty. It is the fact that at the last Cork Winter Assizes common jurors brought in verdicts of guilty whenever the charges against the prisoners were brought home. I have no hesitation in saying that, under this Act, common jurors would be found perfectly capable of comprehending the law, and quite willing to bring in verdicts when the charges were properly substantiated. At the same time, and above all things, it must be made clear to a common jury that no attempt is being made, on the part of the Crown, either to intimidate them, or to do prisoners an injustice. Under all the circumstances of the case, I think Her Majesty's Government ought to accept the Amendment of my hon. Friend.

Question put.

The Committee *divided*:—Ayes 107; Noes 180: Majority 73.—(Div. List, No. 188.)

Mr. W. M'ARTHUR (Cornwall, Mid, St. Austell): I beg to move, as an Amendment in this Clause, to insert, after the word "crime," the words—

> "Being either murder, manslaughter, aggravated crime or violence against the person, arson by Statute or Common Law, or breaking into, firing at, or firing into, a dwelling-house."

In moving this Amendment, I do not think it will be necessary for me to detain the Committee with any speech, or at any length to interrupt the business of the Committee. I do feel, however, that the Amendment is an important Amendment, because it raises an important question of principle. At any rate, it raises the question whether the special jury system shall be applied to criminal cases in Ireland, as we understand crime in England, or whether it shall be applied to cases of crime in Ireland as crime may be understood under a Coercion Act. I do not intend to go into the question of Irish coercion. Irish coercion has been proved to be provocative of much trouble both to Ireland and England for many years past, and among all classes there is much discontent with regard to it. It is asserted that there are certain Irish jurors who will not convict; but where special juries are concerned, it is the opinion of the poorer classes in Ireland that too many of them do convict. I will not, however, go into that question. What I object to is that this special jury clause should be applied to offences other than crimes—as we understand them in England, because I regard it as class legislation in its worst form. There is a prosperous class of people in the North of Ireland, and a less well-to-do and very much poorer class in the South and the West. The Government are never tired of telling us that the very prosperous and well-to-do population in the North of Ireland, who constitute a small minority of the Irish people, are in favour of the English connection, while the poorer classes in the South and West are altogether hostile to that connection. The Government tell us that these two classes hate each other with a hatred so bitter that if Home Rule were conceded the North would be placed practically at the mercy of the South. Yet the Government are providing, in this clause, that in every kind of case, not only in criminal, but in political cases, the very people who hate the lower classes in the South and West shall be the people to try them. I may say that no hon. Member of this House more detests crime and outrage than I do myself, and I think that I am speaking in the same sense for every hon. Member on this side of the House; but we say that this clause, under which special juries are to be provided for the trial of offenders in Ireland, will not be applied to criminal cases only. I have no objection to any crime the Government may name being included in the list of offences to be tried by a special jury; but I have a great objection to all sorts of cases connected with politics in Ireland, and connected with the land in Ireland, being tried by juries composed, as they would be, of people who are hostile to the persons whom they would have to try. Another objection I have relates to the power proposed to be given to the Attorney General for Ireland. Of course, I do not desire to make any kind of charge against the right hon. and learned Gentleman who holds that position; but I maintain that it is a tremendous power to place in the hands of any Law Officer of the Crown.

THE CHAIRMAN: Order, order! The hon. Member is anticipating an Amendment which stands lower down the Paper. He must confine himself to his own Amendment.

MR. W. M'ARTHUR: Of course, Sir, I bow to your ruling, and I am sorry that my inexperience in regard to the proceedings of the House should have led me into such a mistake. I will only say that my desire is to induce the Government to draw a distinction between crime as we understand it, and any sort of offence which the Government choose to call crime under this Bill. I think we ought to have had a definition of crime in the Bill itself, and I am persuaded that many would prefer to see trial by jury absolutely abolished in Ireland rather than that certain classes of crime should be tried by special juries. Personally, I should have far more confidence in a trial by the Attorney General for Ireland himself, rather than by the class which will compose the special juries selected under this clause. If the clause be passed in its entirety, the protection which the Government allege that they are giving in providing for trial by jury will be nothing more than a delusion and a snare. There are 56,956 common jurors in Ireland, and only 12,500 special jurors; and the class from which the special jurors are drawn is the very class which is persistently hostile to the persons they will be called upon to try. I believe that if the Government are sincere in saying that they distrust the average Irishman, they ought to have the courage of their convictions and should abolish trial by jury altogether. If they are not prepared to take that extreme step, they ought not to come here and endeavour to throw dust in the eyes of the English people by pretending that they are giving Irishmen a fair trial before a jury of their countrymen, whereas they are simply selecting a small minority of Irishmen, who are opposed to the best interests and wishes of the vast body of the nation, and who will have already made up their minds upon the questions they will be called upon to try. Under these circumstances, I hope that the Government will see their way to meet the objections which I have laid before the Committee in this important matter, and that they will accept the Amendment.

Amendment proposed,

In page 3. line 7, by inserting, after the word "crime," the words "being either murder, manslaughter, aggravated crime or violence against the person, arson by Statute or Common Law, or breaking into, firing at, or firing into a dwelling house."—(*Mr. M'Arthur.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The Amendment which has just been disposed of proposed to exclude certain crimes from the purview of this clause; but the hon. Member's Amendment names certain crimes and excludes others. The hon. Member fears, to use his own expression, that the Government would use this power in regard to special juries, in order to enable them to deal with crimes which are not crimes as we understand the phrase. The allegation is that there may be offences under this Bill which in England would not be known as crimes; and I presume that the hon. Member considers that the crimes which he has mentioned form an exhaustive catalogue of what we in England are in the habit of regarding as crime. If the matter is looked into, however, it will be found that the list is far from an exhaustive one. For example, there are such offences as sheep-stealing, mutilation of cattle, blowing up with dynamite, and many others I could name, which are certainly looked upon as crimes in England, but which are not included in the hon. Member's Amendment. The hon. Member has spoken under a slight misapprehension as to the operation of the Bill. It has been alleged that new offences are created by it. The Government do not admit that; but even if it were granted, special juries would not try crimes which are not now crimes in England and Ireland. Under these circumstances, I cannot accept the Amendment, as I believe that a fair trial would be obtained by the means proposed in the Bill. If it is true that a fairer trial may be obtained with special juries, I see no reason why the clause should not be extended to other crimes which, in the opinion of every Member of this House, are crimes, whether they are committed in England or Ireland. I therefore hope that the hon. Gentleman will not consider it necessary to press the Amendment.

Mr. W. M'ARTHUR: Of course I did not pretend to say that the list I gave was an exhaustive list; but I gave it because I found it contained in the Bill itself, and because the crimes in question are those in regard to which it is considered difficult to obtain convictions in Ireland.

Mr. O'DOHERTY (Donegal, N.): The Government themselves provide in this very Bill that in regard to the trial of certain crimes English juries shall be brought in, so that, in their idea, there are crimes of sufficient importance to justify their trial on this side of the water. I think it would, therefore, naturally strike hon. Members that such cases as those which have impressed themselves on the mind of the Government as worthy of being tried by special juries should be clearly specified in the way suggested in the Amendment of the hon. Member for St. Austell. I should like the Committee to direct their attention to the fact that other offences in addition to those mentioned here are dealt with in the 2nd clause, the Government having already selected the tribunal, although hon. Members on this side of the House have over and over again declared their want of confidence in that tribunal. Nevertheless, the Government having selected that tribunal, persisted in establishing it for the trial of certain offences by a summary process; and, having done so, they then went on to specify the offences. I think that, under such circumstances, they ought to be content with the tribunal they have established, and, as far as the present case is concerned, they should accept the list of crimes contained in the Amendment. The Government are, in fact, proposing to retain a superfluous and accumulative remedy for certain offences dealt with in the 2nd section of the Bill, although they have already established a special and select tribunal. The effect of this clause will be, practically, to hand over agrarian offenders in the West of Ireland and in the County of Donegal, from which I came, to be tried by the agents of the landlords, or the landlords themselves. The Government are actually handing over to the persons whom they say are the aggrieved parties the power of trying the offenders; and, in addition, the Government have reserved to themselves power, under the 2nd clause, of sending down two special Resident Magistrates for the purpose of trying the same class of offences summarily. I certainly think it ought to recommend itself to the Government that they should not ask for an accumulative remedy which will enable them to try a case by special jurors selected from a particular class whose bias and past offences have caused all the trouble which now exists in Ireland.

Mr. CHANCE (Kilkenny, S.): In dealing with this Amendment, I was sorry to find that the Chief Secretary for Ireland had not only nothing to say in its favour, but that he at once voted it down. That seems to be a common practice with the right hon. Gentleman. Generally, when an Amendment comes on for discussion, he says—"Oh, yes; but a previous Amendment has already dealt with it." In the last case, he said the Amendment proposed by my hon. Friend the Member for East Donegal (Mr. Arthur O'Connor) restricted the power to certain offences; and he now says that although the present Amendment enlarges the number of offences specified in the Bill, it, nevertheless, is a limiting power. What we really desire to do is to limit the power of the Crown by enlarging a certain class of offences. The catalogue of crimes stated in the Amendment is said by the right hon. Gentleman to be by no means of a sufficiently full character. That objection was fully met by the hon. Member for St. Austell, who moved the Amendment, because he made it perfectly plain that it includes all crimes that have no political tinge in them. I recollect the right hon. Gentleman, in an earlier stage of the Bill, stating that he had taken care to exclude from the category of cases which should be sent for trial to English juries, all cases which might have a political tinge. Therefore, if the catalogue of crimes given by the hon. Member for St. Austell is not an exhaustive catalogue, the right hon. Gentleman has only himself and his Bill to blame for it. I certainly cannot understand for what reason the right hon. Gentleman would exclude the consideration of such cases from English juries, and yet leave them to be dealt with by an Orange special jury in Antrim. Probably one reason is that in England Her Majesty's Government dare not try the experiment of setting class against class; and, therefore, they decline to send over political offenders from Ireland to be tried here. At any rate, they know very well that if they had sent them they would fail to obtain a conviction; and I presume it is for this reason that they take special powers for trying them by a special jury in the County of Antrim, being afraid to resort to the process by which they tried Mr. John Dillon, and by which they succeeded in convicting John Mitchel. Let me ask the Government why it is that they decline to set class against class in England, and are yet attempting to do it in Ireland? If English juries are not to be trusted, to use the right hon. Gentleman's own words, with the trial of cases which have a "political tinge," I want to know why jurors composed of Irish landlords and land agents are to be trusted with such trials? I maintain that this Bill is not intended for the punishment of criminals, but for the punishment of political offenders. The persons you will try are those who have been putting into operation the Plan of Campaign against certain landlords, and you will send them for trial to a jury of landlords and land agents, who will have very little difficulty whatever in convicting them. Is this deliberate attempt to set class against class a statesmanlike proceeding? I sincerely trust that the Committee will be wise enough to accept the Amendment. Add as many crimes as you like to the catalogue of real crimes, but refuse strenuously to include political offences.

MR. T. M. HEALY (Longford, N.): We have had a statement from the right hon. and learned Gentleman the Attorney General for Ireland that this clause virtually embodies a similar provision which was contained in the Act of 1882, and we have since had a statement from the Chief Secretary for Ireland that all crimes were embodied in that Bill. Is the right hon. Gentleman aware that none of the offences dealt with by the Corrupt Practices Act were triable under the Crimes Act of 1882? I, therefore, wish to know if the right hon. Gentleman proposes in this Bill to include those electoral offences which were excluded in the Crimes Act? I also desire to know whether, if offences of that nature are proposed to be included, there is to be a right to try them under this section by a special jury? Perhaps I may be permitted to put a case. Supposing that Sir Charles Lewis, the late Member for Londonderry, and the present Member for North Antrim, had been indicted for the offences for which he was unseated at Derry. Of course, he would have had a right under this clause to claim to be tried by a special jury; and there can be no doubt that a special jury selected to try him would have been a jury of Orangemen, so that no matter what the nature of the corrupt practices of which he was guilty may have been, the hon. Member would most certainly have escaped punishment. If the Crimes Act had been made a perpetual Act, the provision excluding the

Corrupt Practices Act from the operation of the Crimes Act would still have been in force. The Crimes Act, however, was not a perpetual Act; and, although we are told that the present measure is framed, to a very large extent, upon the principle of the Crimes Act, I do not find any provision in it to exclude offences against the Corrupt Practices Act. I must confess that I never heard a more amusing instance of the ignorance of the Chief Secretary for Ireland than that in which the right hon. Gentleman spoke of sheep stealing. Now, if there is anything in Ireland for which you can readily get a conviction, it is sheep stealing. The Irish are a nation of farmers, and if it is possible to get a conviction at all, they are ready enough to convict for sheep stealing. I must say that of all the grotesque proofs which have been afforded of the ignorance of the right hon. Gentleman in regard to Ireland, in my opinion his reference to the exclusion of sheep stealing from the crimes enumerated in the Amendment is the most amusing. I think that the good angel of the Chief Secretary for Ireland ought to have suggested to him a "philosophic doubt" as to the necessity for referring to that offence. I fear that the Government are taking a fatal step in not confining their clause to some particular class of offences, and I will give them a reason why I fear so. If you say to common jurors in Ireland that they are unfitted even to be trusted with the trial of the offence of sheep stealing, you practically tell them that they are a class of perjurers unworthy of being believed on their oaths. You virtually tell them—"We may let you try offences such as rape, or picking pockets, but we look upon you as likely to perjure yourselves if we trust you with the trial of other offences." The effect of this will certainly be to make common jurors turn rusty; they will decline to be the instruments for carrying out the ordinary law when they are told that they are unworthy to try other cases, and they will probably refuse to attend the Court or disregard their oaths. It would be far better to abolish the common jury class altogether, or to increase the jury qualification. If you would provide that every common juror must have a £50 qualification you would relieve a good many of them of the trouble of attending Court, and of having to travel many long miles in order to do so. That, I think, would be a much less invidious course, and would relieve the common jury class not only of trouble, but of responsibility. Probably the right hon. and learned Gentleman the Attorney General for Ireland will remember what took place in Sligo last year, when a number of jurors were called into that town and kept hanging about in the frost and snow. I see, Mr. Courtney, that you are about to interpose, but "a nod is as good as a wink," and I will not pursue the matter further. I will only ask the Government to consider the importance of inserting some limitation in the clause as to the nature of the crimes to be dealt with. I am quite certain that if the Attorney General for Ireland persists in issuing his *fiat* to a particular class of persons when it is proposed to bring to trial a certain class of offenders, the common jurors will feel naturally indignant, and will refuse to try the cases which may be remitted to them. Rather than adopt the course which the Government propose to take, I think it would be preferable to enact that all the common jurors in Irelend are perjurers, and that they cannot be depended on upon their oaths. I think that the Government ought to be reasonable, and that they should say, at least, in some distinct manner, what class of offences these special juries are to try. I also wish to know whether it is intended to allow the provisions of this Bill to be operative in regard to offences against the Corrupt Practices Act, with the knowledge that if the Crimes Act had been a continuous measure such offences could not have been dealt with? If the Bill is to be placed on the Statute Book in its present shape, the provisions of the Corrupt Practices Act, although unrepealed, will remain practically inoperative.

Mr. MAURICE HEALY (Cork): If I may be allowed to offer a word of advice to the Government, it will be this—that if they wish to facilitate the passing of their Bill they will do so best, when they find that an Amendment moved on this side of the House has to be answered, by putting up somebody to reply besides the Chief Secretary for Ireland. Whatever we may think of the right hon. and learned Attorney General for Ireland or the Attorney General for

England, and however much we may differ from them, we admit that they are able to argue any point placed before them, and that when they get up they are likely to give the House some reason for the course they take. So far as the Chief Secretary for Ireland is concerned, when he gets up in his place to resist an Amendment it is his invariable practice to make a short speech, in which he generally displays the grossest ignorance of the provisions of his own Bill and of Irish life, and then to sit down after a few observations altogether destitute of anything in the shape of an argument bearing on the particular Amendment before the Committee. Now, as a matter of fact, in drawing up most of the Amendments which have been proposed from this side of the House we have absolutely taken the words of the Government draftsman and put them into our proposals, generally with a view of making one part of the Bill consistent with another. Then the Government get up and absolutely rail at the provisions which have been devised by their own draftsman; and, notwithstanding the fact that we have followed their own words, they refuse our Amendments and endeavour to make them appear ridiculous. A precedent for this Amendment is to be found in the 2nd sub-section of the 2nd clause, and the only argument urged by the Chief Secretary for Ireland against it is, that the catalogue of crimes drawn up by his own draftsman is not sufficiently extensive, and that there is a large number of cases to which it should also be applied. The Government allege that there has been a breakdown in a particular class of cases so far as the judicial system of Ireland is concerned, and what we ask is, that the remedy which the Government prescribe for that breakdown should be limited to the particular mischief they profess to aim at. Another objection against this clause is that, like most of the other provisions of the Bill, it is tainted with the vice of going altogether beyond the mischief which the Government are attempting to cure. What we ask is this —that under this Bill the scandal shall not be permitted which occurred two or three years ago when the Crimes Act was in operation. Under the provisions of that Act, men were brought up at Dublin from all parts of the country, and put on their trial before 12 special jurors of the City and County of Dublin, selected from a class bitterly hostile to the persons who were sent for trial. I well remember the sensation which was produced when an unfortunate peasant was brought up from the County of Mayo to be tried by men who did not understand the language he could speak. When this man was found guilty he was asked to say if he had any reason to assign why the judgment of death should not be pronounced upon him; he made use of words which created a great impression at the time. He said—"This is not a Court of Justice, but a shambles." A similar state of things is likely to happen again if this Bill is persisted with in its present form. Why have the Government in their Bill specified two particular classes of offences? It is because the Chief Secretary for Ireland, in the speech in which he introduced the Bill, said that the Government did not wish to provide that political offences committed in Ireland should be tried in England, and, therefore, he has found it necessary to specify different kinds of offences in different clauses. What we maintain is that, under this section, the Government go far beyond the very thing they avoid in the 2nd sub-section of Clause 2. In Clause 2 they provide that political offenders who may commit offences in Ireland shall not be tried in England; but in this section they do something which is ten times worse—they provide that such offenders, although they are not to be tried in England, may be tried by their political opponents in Ireland, for that is really the effect of this section. We have heard it demonstrated that throughout the whole of Ireland there are only 1,700 special jurors. In some of the counties the qualification for a special juror is £150, and, therefore, the special jurors themselves must be limited to the landlord class, and those who are in sympathy with them. That being so, is it not a monstrous thing, when you have expressly declared by a former clause that it would be unfair to try political offenders in England, to do something ten times worse, and try them by their political opponents? I cannot help declaring that the Government have not acted reasonably in the manner in which they have drawn up this clause. If they had followed the form provided by their own draftsman in the preceding clause I do not think anyone would have blamed them; but as this clause now stands, the next time the Government wish to take proceedings against Mr. John Dillon or any other political opponent they will be able to provide that the trial shall be before the Irish landlords and their agents, or the captains and colonels who constitute the bulk of the special juries of the County of Dublin.

Mr. MOLLOY (King's Co., Birr): My hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) has stated that under the Crimes Act offences connected with the Corrupt Practices Act were expressly excluded from the operation of the Act of 1882, and my hon. and learned Friend asked the Government if it was intended to continue that exemption. Now, the Government complain very often of the length of the discussions which have taken place in this Committee. [*Cries of* "Hear, hear!" *from the Ministerial Benches.*] Hon. Members opposite say "Hear, hear!" Precisely so, and those cries are specially loud from those who never take any part in our debates. But surely the way to shorten discussion is, at least, to answer questions which are sensible questions, and which appertain to the Bill? We have all of us waited for the Attorney General for Ireland, or the Chief Secretary for Ireland, to rise and give a simple answer to the question of my hon. and learned Friend; but as yet no answer has been given. I will, therefore, repeat the question. Under the late Crimes Act cases arising out of Election contests could not be proceeded against under that Act. What I want to know, then, is, whether the exemption which existed under the late Crimes Act is to be continued in the present Bill or not? That is a very simple question, and I think the Attorney General for Ireland will shorten the discussion if he will condescend to answer it.

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): The object of the clause is written on the face of it. I never shrink from any challenge; but my experience is, that the answering of questions does not tend to shorten discussion. I will only add, that anything which in Ireland is considered a crime is an offence which may be tried by a special jury under the Bill.

Mr. CHANCE: I am afraid that the answer of the right hon. and learned Gentleman cannot possibly shorten the discussion, as it is no answer at all. [*Ministerial cries of* "Hear, hear!"] If hon. Gentlemen opposite who say "hear, hear" will only listen to what I am about to say they will find out what my reason is. The right hon. and learned Gentleman commenced by saying that the Bill was obviously intended to refer to crimes only, and thereby he seemed to imply that offences committed against the Corrupt Practices Act and under the Election Law would not be triable under it. But surely the right hon. and learned Gentleman knows that a felony is a crime, and, as every hon. Member is aware, that some of the offences which fall within the Corrupt Practices Act are felonies. For instance, bribery is a felony, and, under this Bill, there would be a power to try a man for bribery at an election by special jurors, who might have been themselves among the bribed. It has been said that the High Court will have a discretionary power of granting a special jury; but what does the clause itself say? It says—

> "Where an indictment for a crime committed in a proclaimed district has been found against a defendant, or a defendant has been committed for trial for such crime, and the trial is to be by a jury before a Court in Ireland other than a Court of Quarter Sessions, the High Court shall, on an application by or on behalf of the Attorney General for Ireland or a defendant, make an order, as of course, that the trial of the defendant or the defendants, if more than one, shall be by a special jury."

Therefore, it will be seen that the Court must grant an order for the empannelling of a special jury. I will ask the right hon. Gentleman the Chief Secretary for Ireland to give the Committee one short answer. Does he intend to send political cases, or cases which, in the opinion of the Court, are political cases, to be tried by a special jury, or does he not? If we are told that, we shall know precisely where we stand, and I ask him to say "yes" or "no" to that question.

Question put.

The Committee *divided*:—Ayes 117; Noes 203: Majority 86.—(Div. List, No. 189.)

MR. O'DOHERTY (Donegal, N.): Mr. Courtney, I do not propose to proceed with Amendments No. 9, 10, 11, 12 and 13 merely because I think they are practically covered by the suggestion of the right hon. Gentleman, and because I do not imagine the Government would be at all disposed to accept them.

MR. T. M. HEALY (Longford, N.): In reference to Amendment No. 16, Mr. Courtney, I should like to obtain from the Government a statement as to whether they think that a change of venue is to be had in all cases, or may be had in all cases, where there are special juries. I think they ought to select the count on which they will go on. They ought to decide whether they will have a special jury or a change of venue. Furthermore, I think that the way in which the Government have mixed up these two clauses or dealt with these two clauses, leaves the matter in a most involved condition. One cannot make out clearly whether any notice is to be served on a prisoner, and one cannot understand whether the Attorney General for Ireland may not go into Court for a special jury, and then having got this make an application for a change of venue. Surely, the Government ought to be content with either having a special jury or a change of venue, and should not be allowed to have both. In order to elicit a statement on the question from the Government, I beg to move the Amendment which stands in my name.

Amendment proposed, in page 3, line 9, after "be," insert "had without a change of venue."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The Government can hardly be expected to accept this Amendment, because it would really limit the steps for obtaining a fair trial. There are certain circumstances in which a special jury would be sufficient, and there are certain circumstances in which a change of venue would be sufficient. [*Cries of* "What are they?"] The circumstances are that a state of intimidation exists in a district to such an extent that a special jury would not be of much use. In that case a change of venue would be necessary.

MR. T. M. HEALY: Does the right hon. Gentleman know what he has said? We do not understand he is going to change the venue to a place where intimidation exists. What is the good of giving absurd reasons of this kind.

MR. A. J. BALFOUR: I ought to say a state of intimidation where the trial would naturally be held.

MR. T. M. HEALY: If you change your venue you will not want a special jury. The Government are taking a most curious course. Either intimidation exists in a place or it does not. If it does not exist you will change the venue to the district. I think the Government are acting in a most unreasonable manner. They, surely, do not mean to contend that all over Ireland intimidation exists? Suppose you change the venue from the South to Belfast where, except amongst the Orangemen, intimidation does not exist. Again, in Antrim, I do not suppose there is any intimidation. If you have a special jury, why should you have a change of venue? The course the Government have taken is most admirably calculated to provoke discussion, because we really cannot understand their arguments.

MR. MAURICE HEALY (Cork): I think that, in this case, we have had another instance of the lamentable absurdity of the Chief Secretary for Ireland in replying to an Amendment to a Bill which he does not understand. Now, what is the answer that the right hon. Gentleman has given? He said there are certain circumstances in which a change of venue would be sufficient, and there are certain circumstances in which a special jury would be sufficient; but there are also certain circumstances in which one would not be sufficient without the other in which both would be wanted. And then he was challenged to name the circumstances under which they wanted both, and he said if a state of intimidation exists. What is the meaning of that? The only meaning of that is that certain circumstances are conceivable in which the Government could change the venue from one district to another district, and that, in the district to which they changed the venue, such a state of intimidation exists that the given to the Government it will be used in a most grossly unfair manner. ["Oh, oh!"] Upon this point there can be absolutely no controversy. We know perfectly well that in the recent State trials in Dublin—it has been proved, and no defence has been attempted—that the power of packing juries was used to such an extent that efforts were made to prevent a discussion upon the subject in this House. That was the course adopted by the Executive in those trials, and I refer to it as an illustration of the position in which a prisoner will be put under such a clause as this we are now asked to pass, more especially if the Amendment be refused. In the case I have alluded to the offence was committed in the County of Galway. The Crown got the venue changed to the City of Dublin, and even then they were not satisfied, but moved the venue to the County of Dublin, and packed the jury in a most shameful and indecent fashion. What saved me and my Colleagues from conviction was the fact that the Government could not try us by a special jury in the County of Dublin. They came to the end of their tether; they used every advantage they could with the utmost indecency—with the most brazened-faced indecency; but because the law compelled them to go before a common jury, we escaped. If they could have put in force this clause—and I have no doubt it is in view of their experience in this case that they ever introduced this clause—if they could have made an application to bring those conspiracy cases before a special jury of the County of Dublin, there is not the slightest doubt they could have empannelled 12 land agents and secured our conviction. I dare say there are some English Gentlemen who will not credit that the Government would do such a thing; but they have done such things, and they will do them again. What occurred in those trials? Men were put on their oaths who admitted that they were landlords who had suffered from the agitation, and others who were land agents, who admitted that pecuniarily they were injuriously affected by the agitation. If the Government have power to take poor peasants in Ireland, or political agitators in Ireland, on this land question, and place them on their trial before a specially packed jury, I say justice in Ireland will become a mockery. They might just as well—aye, a great deal better, because it would be honest and straightforward—place us on our trial before the Lord Lieutenant, without judge or jury at all. I would rather stand my chance in a trial before the Lord Lieutenant, who knows nothing of law, and who, sitting without any lawyers, would listen carefully to the statement of facts —I would a great deal rather stand my chance in a trial by the Lord Lieutenant than in a trial before a body of bankrupt landlords who take refuge on the outskirts of the City of Dublin. What is the character of the special jurors of Dublin? We know perfectly well that the jury before which we shall be brought under this clause will be largely composed of landlords' agents and bankrupt rent-chargers on the estates of Ireland. The past action of the Government shows that what they will do under this clause, if you refuse this Amendment, is to contend that they are going to give a man a fair trial, to pretend that they are seeking to obtain 12 men who will do justice, and give a verdict according to their oaths and the evidence. These 12 men will be chosen from the men who are out of pocket, or who believe themselves to be out of pocket, through the action of the very men they are called upon to try. Such being the state of the case, I regard this Amendment as a vital Amendment, and I certainly appeal to any fair-minded man to say whether it is not enough power to be put in the hands of the Government, that they should take their choice of either polling for a special jury in the district in which the crime is committed, or, if they think it better to go to another district, to let the unfortunate prisoner have some chance, which he would get, of being tried by a common jury?

Mr. ARTHUR O'CONNOR: May I ask the Chief Secretary for Ireland if he will answer the question with regard to the intention of the Government as to the right of challenge?

Mr. A. J. BALFOUR: We do not propose any alteration.

Question put.

The Committee *divided*:—Ayes 84; Noes 153: Majority 69.—(Div. List, No. 190.)

Mr. O'DOHERTY (Donegal, N.): I now beg to move to insert, after the word "in," in line 10, "a proclaimed district in." I do not know whether the attention of the Government has been called to the fact that in the 4th section they say this—"The trial is to be at a Court of Assize for any county in a proclaimed district." I observe that in the 3rd clause they say—"The trial is to be by a jury before a Court in Ireland other than a Court of Quarter Sessions." Now the right hon. Gentleman answering observations from this side of the House on the last Amendment was evidently under the impression that the Court was not to be in a proclaimed district in Ireland. I move this Amendment in order to make the two clauses agree.

Amendment proposed, in page 3, line 10, after "in," insert "a proclaimed district in."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): It is impossible for us to accept this Amendment, because it would deprive the Crown of the power of having such cases tried by juries which would not be subject to intimidation.

Mr. ARTHUR O'CONNOR (Donegal, E.): I do not know whether the Government is really aware of the absurd position in which this clause is left. As the clause is at present drafted, the proposal is this, that if in a proclaimed district which, by reason of intimidation prevailing in it, has been proclaimed, a crime is committed for which a man is committed for trial or any indictment has been found against him, the Government desire to have a change of venue, and they get the trial transferred to a district where, admittedly, there is no intimidation, and which is not proclaimed, they are to have the right of obtaining a special jury. Now, they have not that same right with regard to crimes committed in the district itself. We will assume that there is a case of Boycotting, or of firing into a dwelling, in the County of Cork. The Government obtain a change of venue, and they certify for the County of Down, Cork being proclaimed. When they transfer the case to County Down, they will, under this Bill, have the right to demand a special jury; but supposing a crime of precisely the same description is committed in the County of Down itself, they will have no such power to ask for a special jury in respect of that crime. Can anything be more absurd? It clearly cannot be the intention of the Government to have so unequal an arrangement with regard to crime committed in two different places and both tried in one of those places. Whether this Amendment will actually meet the particular point I have indicated, I do not know; but I think I have said enough to bring clearly to the mind of the Attorney General for Ireland the point I wish to raise.

Amendment, by leave, *withdrawn.*

Mr. MAURICE HEALY (Cork): I now beg to move to insert, after the word "than," in line 10, the words "other than the Queen's Bench Division of the High Court, or." I am sure it is only by inadvertence on the part of the draftsman that the necessity for this Amendment has arisen. Every lawyer knows that, in a certain class of cases, when a man is charged with an offence it is within his power to move that the trial be transferred to the Queen's Bench Division. This does not happen in Ireland except on very important occasions, and the Motion is generally made on the part of the Crown. It was made unsuccessfully by the respondents in the case of "The Queen *v* Dillon." In England such a motion is very constantly made. A defendant makes an application for the transference of the trial, because he apprehends that in his locality he would not get a fair trial. Now, if a man succeeds in obtaining such a transference of the trial to the Court of Queen's Bench, it will be in the power of the Crown to reverse the action of the Court, and to change the venue. The section is so drawn that it applies to a trial to be held before any Court in Ireland except the Court of Quarter Sessions. I do not think the Government can intend such a state of things to arise. I am persuaded they will act fairly and reasonably, and accept the Amendment.

Amendment proposed, in page 3, line 10, after "than," insert "other than the Queen's Bench Division of the High Court, or."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): So far as England is concerned there cannot be a trial by a special jury in any case of felony; but it is our intention, by this Bill, that there shall be power in Ireland of having a special jury at the option of the prisoner or of the prosecution.

MR. MAURICE HEALY: I should like to point out the result which would follow from the passing of the Bill in its present form. Take the case of a trial for misdemeanour, such as a trial had at Bar for conspiracy. The law in such cases is that though the charges are misdemeanours, and, though the Crown has a right to have a special jury, these special juries are struck on the old system by which the Crown has no right of ordering jurors to stand by, and under which the prisoner and the Crown are on an absolute equality so far as the selection of the jury is concerned. What would happen if this Bill passed in its present form? Let us suppose that a new prosecution is instituted to-morrow against my hon. Friend and Colleague (Mr. Dillon), and that he was again charged with conspiracy. Suppose the case was tried at the Queen's Bench, the Crown having a special jury empannelled under the old system under this Bill, they have a change of venue or a special jury in the manner provided in the sub-section and would possess an unlimited right of challenging jurors. I think the right hon. and learned Gentleman the Attorney General for Ireland will see the necessity of saying something in reply to this statement. We ought to have an answer upon this point.

MR. T. M. HEALY: The right hon. and learned Gentleman has ignored the case put before him—I mean the case of "The Queen *v.* Casey," but the Irish Solicitor General knows it very well. That was a case of conspiracy tried, I believe, somewhere about the year 1876, and the law, as then laid down by Chief Justice May, has been persistently followed ever since. It was then laid down that when your panel of 48 was taken the prisoner had his 12 challenges and the Crown had their 12 challenges, which reduced the number to 24, and then the prisoner, on coming in again, had the right of challenging six more, which made 18 challenges in all. What would happen if this clause is passed in its present shape? You will be able to have a trial at Bar, and you will be able to have your special jury struck under the old system, but under this clause this is a direct appeal against the decision of the Judge in the case of "The Queen *v.* Casey." We are being hit in a way that was never intended originally, I believe, and, that being so, I think the least we are entitled to is that when trials at Bar are being had they should be had under the decision of that splendid Conservative authority—Chief Justice May. I think the right hon. and learned Gentleman the Attorney General for Ireland will not dispute that, if the Government choose to have an ordinary trial for misdemeanour under this Bill, they can have an unlimited right of challenging jurors; but that if they have a trial at Bar under existing conditions they will be limited to 18 challenges. We should have fair play in that way; but, under this clause, the Government might have a trial and avail themselves of the power of having unlimited challenges. Perhaps the right hon. and learned Gentleman the Attorney General for Ireland, going over to Ireland with his heart brimming over with kindness for the Irish people, is going to abandon the right of challenge.

THE SOLICITOR GENERAL FOR IRELAND (Mr. GIBSON) (Liverpool, Walton): The effect of striking a jury under the old system would be, in the case of a prisoner who chose to exercise his right of challenge, to render it impossible to have a trial at all.

MR. T. M. HEALY: They tried Parnell and O'Connell under the old system.

MR. GIBSON: Yes; but the traversers could render it impossible to have a trial at all under that system, if they chose to exercise their right of challenge. Whenever we have a case which is fit to be brought before the Court of Assizes under the section in its present form, it may be tried before a special jury. When cases are so important that they are not only tried at Assizes, but at Bar, it is absurd to suppose that you should not have a special jury. It has been pointed out by the right hon. and learned Gentleman the Attorney General that there could be no trial by special jury at all, in cases of felony at Common Law. In cases tried in the Queen's

Bench it would only be possible, under the old system, to have special juries where the trials were for misdemeanours. It is perfectly true, as pointed out by the hon. and learned Member opposite, that under the old system there were only 48 jurors, and that the traversers had a right to challenge 18.

MR. T. M. HEALY: I would like to point out that a very strange result will take place if this clause is carried in its present form. Not only will the Crown be allowed to choose its own jury, but it will be able to choose its own Judge. At present, the prisoner, at any rate, has a chance of being tried by an impartial Judge; but under this clause you will have the power of taking your prisoner before the Court of Queen's Bench, and everybody knows the political characteristics of the gentlemen appointed to the Bench of that branch of the High Court. As I have frequently pointed out before, the people have no confidence in them. Therefore it absolutely appears that no matter what is going on in the country, no matter what political excitement exists, you select not only your own jury, but try a man by your own Judge from the Court of Queen's Bench. This is a thing that I think the English people should thoroughly understand. It is one thing to say that the Crown should have the right of appointing a special jury in order to avoid the possibility of having jurors who would be subject to intimidation; but it is another thing to say that you should have your own Judge as well. That is going a length which I feel perfectly satisfied was never dreamt of by Her Majesty's Government before. Are we to have the dice loaded at both ends? Load them at one end if you like, but do not load them at both. If you frame your laws in this way, you might just as well do away with trial by jury altogether. Set up the gallows in Castle Yard, and let the Lord Lieutenant pick out whom he wants to hang and finish them off out of hand. That would save the Chief Secretary for Ireland a great deal of worry. He looks pained sometimes, and in the way I suggest he might save himself from a great deal of trouble and annoyance. Let him reduce his Bill to one line to the effect I have mentioned. This section which we are now discussing is not a special jury clause at all—I call it a special Judge clause. As to what has fallen from the Solicitor General for Ireland, it is true that in the decision in "The Queen *v.* Casey" a law was laid down which has worked in a particular manner, but can anyone say that it has worked injustice? Can any right hon. or hon. Member say that anyone is any the worse for it? As I understand the decision of Chief Justice May, it was that the Crown had only 12 and that the prisoner had 18. This decision was rather snorted at by the other Judges afterwards, but they have never attempted to overrule it. I do beg the Government to consider whether they wish to bring the whole of their proceedings into contempt. The Judges of the Court of Queen's Bench have comparatively speaking nothing to do, and the right hon. and learned Gentleman the Attorney General for Ireland, when he is translated there from this House, will have an elegant repose. Do let us know if he is to be made a party to the state of things contemplated by this clause.

MR. CHANCE (Kilkenny, S.): The Government seem anxious not only to have an unlimited right of challenge in ordinary cases, but to have the same right in connection with trials at Bar, and to be able to appoint their own Judges to select gentlemen who have been appointed to the Bench simply for political reasons. They may bring a case before a Bench of three Judges, who entertain strong political views, and who would express strong opinions. I will not say whether they would express their opinions rightly or wrongly; but they would, undoubtedly, express strong opinions, and do their best to influence the jury. Under the Act of 1882 it was in the power of the Lord Lieutenant of Ireland to send prisoners for trial before three Judges. Under the 1st section, those three Judges were to be named by himself in the warrant which he might issue. But we had a number of safeguards provided in that section, when these three very estimable individuals were to try political prisoners. We had, in the 3rd sub-section, provision made for a report, and it was provided that all three Judges should concur in a conviction; and, under a subsequent sub-section, we had provision made for an appeal on all questions, whether of law or of fact, from the decision of those three Judges. We had there a Court of Appeal in which we had greater confidence than in the three Judges of the Court of Queen's Bench. As I understand the position of the Government, they want not only to have the benefit of those three Judges, every one of whom can be relied on to convict, but in addition to that they want to rely upon the special juries of the City of Dublin, on the panels of which you find turning up the names of persons who were conspicuous in those trials 30 or 40 years ago. We saw one of those gentlemen come forward not long ago at the trial of one of my hon. Friends. After convicting John Mitchel, 40 years ago, he turned up as bright as a button to convict my hon. Friend. Really the Government seem to be making a humbug of the trials for which they are providing in this clause. If a shred of the Constitution is to be preserved, the Government should take care that the forms of justice should not be prostituted in the sickening way they propose.

Mr. MAURICE HEALY: My Amendment simply asks that Government should leave us the one relic of the Constitution which exists in the striking of the jury under the old method. It is the one refuge which political prisoners have left; the one shred of the Constitution remaining to them. We do ask that that shall not be taken away by a side wind, by the indirect effects of this clause.

Mr. O'DOHERTY (Donegal, N.): I think my hon. Friends are straining at a gnat in this matter, because this clause, as it stands, seems to be a perfectly natural consequence, and a perfectly proper consequence of the provisions of the 2nd section of this Bill. There they have provided the law which is to be applied to criminals in Ireland. They have selected the tribunals to try the fact, and selected them with a view to securing what the right hon. and learned Gentleman the Solicitor General for Ireland calls an effective trial—namely, a conviction. Is it not perfectly natural that the Government should now ask that they should have the power of appointing also special juries and special Judges to try these cases? I think this clause is thoroughly consistent; and I am very glad my hon. Friend (Mr. Maurice Healy) has called attention to the fact that not only is the jury to be selected, not only is the prisoner not to be tried by a common jury, as to which there is an unlimited right of challenge, but the Government are to avail themselves of special juries composed of the enemies of the prisoners; and, further than that, they are to have the power of specially selecting the Judges. I think it is perfectly right on the part of the Government, seeing what the Bill is, that they should do this; but, at the same time, it is clearly right and proper for my hon. Friends to protest against it. Such a complete travesty of trial by law, and such a complete upsetting of the principle of trial by jury, was never known. Why do not the Government abolish trial by jury altogether in Ireland?

Question put.

The Committee *divided:*—Ayes 67; Noes 134: Majority 67.—(Div. List, No. 191.)

Mr. T. M. HEALY (Longford, N.): I beg to move the Amendment, No. 27, which stands in my name—In line 12, after "Court," insert "if such crime could not have been prosecuted summarily." In moving this Amendment, I want to get out from the Government why they propose to try people by jury, and to try them summarily at the same time. I would point out one important thing in connection with this matter. Take the case of conspiracy—you can prosecute that either by a jury trial or summarily. If you prosecute by jury you can give two years' imprisonment, but if you only prosecute summarily you can only give six months' imprisonment. But now you are going to take power to act in either of these ways. There are several considerations to be taken into account in connection with this matter. For instance, there is the question of prison discipline. If you are convicted of conspiracy, as the law stands at present you do not get hard labour; but the Government seem to be anxious to alter the present rules, and to inflict hard labour in cases of conspiracy. This is really a most important matter. It may be an oversight on the part of the Government. Many things have crept into the Bill through oversight. I would ask the Government therefore, do they want to prosecute people before the magistrates, and do they want, at the same time, to have the option of prosecuting the same people before a jury? That seems to me to be a plain question to which, I think, I have a right to have an answer. I beg to move the Amendment which stands in my name.

Amendment proposed, in page 3, line 9, after "court" insert "if such crime could not have been prosecuted summarily."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I think that some such question was asked upon the Amendment to the second clause of the Bill, and at that time, if I am not mistaken, I gave the answer that I am about to give now. I propose, I need hardly say—because I believe every Member of this Committee knows it before I say it—to retain after the passing of this Bill the power of proceeding against any crime which can now be tried by indictment. It would be a most singular change in the law if, because the Legislature makes certain offences punishable summarily under this Bill, the Government should be prevented from indicting persons for those offences.

MR. T. M. HEALY: That is not the point. I do not want to prevent you from indicting, but I say that you should not have a special jury for it.

MR. HOLMES: I will come to that in a moment. I want to go step by step. The hon. and learned Gentleman understands that we have introduced certain provisions in the 2nd clause that enable summary jurisdiction to be exercised, notwithstanding that the offences punished are now indictable at Common Law. We propose that if these offences are committed in proclaimed districts and are proceeded against by indictment, as in many cases it may be the bounden duty of the Attorney General for Ireland to proceed against them, that the same privilege should be given to the Crown and to the defendant in regard to the granting of a special jury as a matter of course. I cannot conceive what possible objection there can be to that arrangement. I cannot understand why, if we are to have special juries in the case of a great number of other offences, we should not have them in the case of these indictable offences. In point of fact, it is plain with reference to this very case of conspiracy that the circumstances of such offence are likely to be such as to require juries of more intelligence than ordinary. It seems to me to be most desirable to give the accused person, if he wishes, or the prosecutor if he wishes it, an opportunity of taking cases of this kind before a jury of greater intelligence than a common jury. That being our view we certainly must object to the Amendment.

COLONEL NOLAN (Galway, N.): The Attorney General for Ireland represents a constituency of the class from which special juries will be drawn. I presume that he would contend that he represents a constituency of greater intelligence than ordinary. But would the people of the country generally consider it a greater advantage to be tried by the right hon. and learned Gentleman's constituency, who belong to the University of Dublin, than to be tried by the ordinary people of the country? The right hon. and learned Gentleman may contend that greater intelligence would be brought to bear upon the question at issue. That may or may not be the case, but the people themselves are the best judges of whether or not there would be an advantage in being tried in this way. The people of the country very much prefer being tried by the ordinary electors of Ireland in preference to the right hon. and learned Gentleman's constituents. By refusing to entertain the proposition of my hon. and learned Friend the right hon. and learned Gentleman is putting himself in this position—he is enlarging very much the powers of special jurors under the Bill, and doing it at a very dangerous time. That is not the worst of it. During the last five or six years we have been greatly extending the liberties of the people, so far as the return of Members to this House is concerned. We have been transferring the power that was formerly exclusively in the hands of the upper class, or the upper branch of the middle class, in a very great degree into the hands of the working men, the farmers and the artizans of Ireland. That is, that task has been undertaken so far as the return of Members to this House is concerned; but now the right hon. and learned Gentleman the Attorney General for Ireland, in refusing this Amendment, wants to go in exactly the opposite direction, so far as the law is concerned. He wishes to have the administration of the law taken out of the hands of the common juries, and vested in the hands of the special juries which are drawn from the upper classes and the upper branch of the middle classes. He wants to take the judicial administrative power away from the common juries, away from the great mass of the people, and to transfer it to the higher classes. Well, I would warn the Government that principles of this kind which they begin to apply in Ireland have a tendency to spread and very frequently extend to this country.

THE CHAIRMAN: I would point out that the hon. and gallant Member is now addressing himself to the whole clause. He is not confining himself to the Amendment before the Committee.

COLONEL NOLAN: Then in obedience to your ruling, Sir, I will endeavour to confine my remarks to the Amendment. The whole argument of the right hon. and learned Gentleman the Attorney General for Ireland was that the Government should have power to appeal to the special jury instead of the common jury, and his refusal to accept this Amendment was based entirely upon that principle. He did not talk much for the Crown. That goes without saying. He wanted a strong argument against us, and, therefore, he dwelt mainly upon the iniquity of preventing a defendant from being able to appeal to a special jury when he desired to do so. Well, there are very few defendants in Ireland who would prefer a special to a common jury. Notwithstanding the intelligence of the right hon. and learned Gentleman's own constituency, I have no hesitation in saying that the people of Ireland would rather be tried by juries taken from their own class than by juries drawn from those people. If a defendant is innocent he would infinitely prefer that, although if he is guilty he might not care where the jury came from——

THE CHAIRMAN: Order, order!

COLONEL NOLAN: I thought I was in Order in pointing out that the transference of this power from the common juries to the special juries, which was the whole argument of the Attorney General for Ireland, is a most dangerous principle. If, however, you, Sir, say that that matter belongs to the whole clause, I will reserve my remarks upon the point until the whole clause is put. I would say, however, that to take a farmer from Tuam or Connemara, to have him tried by the residents of Rathmines in Dublin, would be the very wildest course that could be adopted. I would remind the Government that on one occasion the late Sergeant Armstrong gave evidence to the effect that it was a matter of great importance to have prisoners tried by the people themselves. He declared that when a verdict of guilty was given by a jury drawn from the people themselves, a great impression was produced and a sort of thrill ran through the whole Court. That is the result when prisoners are convicted by their own class; but, said the Sergeant, there is no feeling of that kind at all amongst the Irish people when prisoners are convicted by a different class from themselves. The right hon. and learned Gentleman opposite is departing from a principle laid down by an authority in law which he himself will acknowledge as a very eminent one.

MR. T. M. HEALY: I have some difficulty in knowing whether or not I made myself clear to the right hon. and learned Gentleman, because he dwelt almost altogether upon the right of the prisoner to claim to be tried by a special jury.

MR. HOLMES: I said the prosecutor and the defendant.

MR. T. M. HEALY: I object altogether to the prisoner having the right to claim to be tried by a special jury. That right led to your unnatural offenders and your Orangemen murderers being tried by a sympathetic jury of their own gang and getting off. The right hon. and learned Gentleman made a point of the prisoner having the right to the protection of the special intelligence of a special jury as well as the Crown. He said the prisoner should have the option of choosing the jury; but will you give him that option against the decision of the Resident magistrates who, to my way of thinking, are not persons of any special intelligence, being mostly ex-policemen or half-pay soldiers? The point the Government have not dealt with is this, that when they have the right of going before their own Resident Magistrates and convicting us before them, they will not do so. They want to convict us before special juries, in order that they may give us two years' imprisonment. Why can they not be contented with giving six months' imprisonment? I think no one should have the right to summarily inflict the punishment of imprisonment upon anyone under this Bill unless he has had some experience of that punishment himself, and thoroughly knows what it means. But to say that you should have an opportunity of inflicting two years, is the point the Amendment touches, and that is the point the right hon. and learned Gentleman has neglected to refer to. I say again, that the proposal to allow the prisoner to avail himself of a special jury is simply an Orange proposal. It is a piece of class legislation. No Nationalist will ever ask to be tried by a special jury of Orangemen and Freemasons. When you have an opportunity of convicting summarily before the Resident Magistrates, why do you want an opportunity of convicting a man by a special jury? I have not at all objected to indictments being preferred. Prefer them if you like; but the Attorney General for Ireland, I say, should not have the right to claim a special jury. At any rate, the Court should have an opportunity of saying—"You might have prosecuted these men summarily." The latter part of the clause says that the Attorney General for Ireland may, as of course, claim a special jury, but this is not a case where he should have the right, seeing that each trial will be one in which he might have proceeded summarily, but has not done so. I wish the Committee to declare that the Attorney General for Ireland shall not have this right, as of course. I think the Committee ought to deal with that point.

MR. MAURICE HEALY: I do trust the Government will give some answer to the arguments which have just been submitted to them. The right hon. and learned Gentleman the Attorney General for Ireland got up and answered the speech made in bringing forward the Amendment; but he did not answer a single point contained in that speech; and now, instead of making an answer to further observations, he sits dumb on the Front Government Bench, knowing, I suppose, that he has no answer to give. The Government in this matter are displaying a spirit which is really atrocious. They have the right of summary conviction, they have the right of change of venue, they have the right of a special jury, and with all these we are told by the Chief Secretary for Ireland that they intend to preserve in their hands the disgraceful power of jury packing, which they have used with such effect in the past. I protest that this is a monstrous spirit in which to press a Bill of this kind upon the House. Let the Government select one power which they say they want, and content themselves with that. Any one of these powers would, if used at all, be effective in itself. Let them select one power, but do not let them play with cards up their sleeves. Do not let them have half a-dozen of these atrocious provisions that they can use against the unfortunate prisoner in a cumulative way. I deny that there is anything in the enactment with regard to the power of summary conviction that makes it necessary that they should require an additional power of employing a special jury. If an offence has hitherto been an indictable offence, it has always been the practice to deal with it as an indictable offence, and if it has always been an offence for summary conviction, it has always been dealt with summarily. There has been no attempt made in Ireland, nor, so far as I know, in England, to insist upon having two modes of procedure concurrent, and to have power vested in the Crown to select their mode of procedure according to their choice. I challenge the right hon. and learned Gentleman the Attorney General for Ireland to give a single reason for retaining in the hands of the Crown this power to select special juries in cases where it is open to the Crown to try offences summarily. Can the right hon. and learned Gentleman put his finger upon a single example; can he point to a single case of the Crown having a right to insist upon a special jury, and also a right of option to try a case summarily? I say that he cannot attempt to point to such a case. That being so, we must only conclude that the Government are so greedy of power, so determined to exercise their powers oppressively, that whereas in the 2nd section of this Bill they have the power of punishing their political opponents with six months' imprisonment with hard labour, they are not content with that, but, putting it aside, wish to rely upon extraordinary powers in order to send their political opponents to gaol for two years.

Mr. T. M. HEALY: Would the Government object to giving the prisoner the right to select to be tried before two Resident Magistrates instead of a special jury? If a man is indicted, will the Government give him the option of going before two of their intelligent Resident Magistrates rather than going before their special jurors?

Mr. HOLMES: Certainly not. It would be wrong to give the prisoner an option of being tried before a tribunal which can only give six months' imprisonment, or before a jury where there would be no such limit. Take the case of an assault endangering life—technically, that might be tried before two Resident Magistrates, but, as I say, it would be exceedingly wrong to give the prisoner the option of being so tried, and of only having six months' imprisonment.

Mr. T. M. HEALY: But you have the power to change the venue, and you can take such a man 300 miles away, and indict him before a common jury. What is the use of talking to us as if we did not know the Bill? You seem to us to be determined not to give the prisoner a single chance. You have your quiver full of arrows—you have as many poisoned arrows in this Bill as would destroy an entire nation. When we ask you to give the prisoner an option of being tried before two Resident Magistrates, you say—"No; the offence may be too serious." If the offence is too serious to try a man summarily in the South or West of Ireland, you can take him to Antrim or to Down, or where you like. Every time we bring forward an argument something that was trotted out and discarded on a former occasion is resorted to by the Government. It is impossible to get from them any real solid reason for anything. There is evident truth in what is said by Conservative Members outside this House, that they are supporting this Bill neither by their hearts nor their heads.

Mr. CHANCE: If the right hon. and learned Gentleman the Attorney General for Ireland would read the 3rd clause of the Bill, he would find that a prisoner, such as he referred to, would not have the option to which he has alluded. The case of an aggravated assault endangering life which he used as an example is not within the jurisdiction of the Resident Magistrates, be they good, bad, or indifferent; therefore, I do trust that when they use examples to confound us in our ignorance, they will show a little more knowledge of the Bill themselves than to quote cases which could not possibly come within the clause at all.

Question put.

The Committee *divided*:—Ayes 67; Noes 135: Majority 68.—(Div. List, No. 192.)

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. MAC NEILL (Donegal, S.): The object of the Amendment I have now to propose is to give Judges a discretion in reference to those cases in which special jurors are to be selected. We may see the effect of the Amendment by a glance at the clause. As it stands, the clause gives the Attorney General absolute power in any case to move for a special jury. To make such an application is his prerogative. What is the benefit, as the matter now stands, of any appeal to the High Court? The High Court have no jurisdiction. The Attorney General, or, worse still, the deputy of the Attorney General, simply moves, and the moment the application is made the High Court must grant it. Is it to be a mere registrar of the Attorney General of the day? What is the benefit of the Judges sitting on the Bench if they are to be mere puppets, mere talking machines? How is the application to be made? Is there to be the slightest publicity given? Is there to be even the small benefit of the light of public opinion shed on these transactions? Not at all. The Attorney General for Ireland is now in his place. He knows thoroughly well the practice of the Irish Courts, and I challenge him to say whether, under this section, it will not be possible for him, as Attorney General, to walk into the study of any Judge, any morning, and say—"I want a special jury, give me your order." There need be no appearance in Court, no notice to the other side. There is the wretched compensation that the defendant can make such an application. But defendants never do make an application of this description. Who is the Attorney General for Ireland who is entrusted with this enormous power? I do not wish to speak of the present Attorney General for Ireland; I simply speak of the Office. Sometimes people in England make a grievous mistake in supposing that the Attorney General for Ireland and the Attorney General for England have similar functions. As a matter of fact, there are no two officials more unlike in their duties than the Attorney General for England and the Attorney General for Ireland. The Attorney General for England, generally speaking, is not a politician, but a gentleman who secures his elevation to the position by hard professional work, and when he enters the House of Commons, he always acts very fairly and good humouredly. But what is the Attorney General for Ireland? He is the executive agent of a political Government determined to act in defiance of the wishes and wants of the Irish people, and yet he is the man who is to move for special juries. Why, in the name of common sense, are Judges brought into the transaction at all? I have never made any attack upon the members of the Judicial Bench, and if I attempted to do so I could not make a more successful attack upon them than is made by the Government in this clause, for by this clause the Judges of the High Court in Ireland are made mere puppets. Now, do the Government intend the special juries to be bodies of men who are determined to do justice between the Crown and the accused? Often the existence of the Government hangs upon a verdict of guilty. The Government wish to give the matter an appearance of earnestness before the English public by bringing in the Judges. But the Judges are to have no discretion whatever. I greatly regret that the Attorney General for England (Sir Richard Webster) and the ex-Attorney General for England (Sir Charles Russell) are not present. I, however, see in his place a Member of the late Ministry, a man learned in legal matters, the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler). I put it to him whether within his knowledge of English jurisprudence he knows of a case in which an Executive Officer of the Crown, a political agent, a mere administrator, is able to walk into the study of a Judge and say—"Here, I want a special jury, give me an order." This Amendment of mine is an exquisite specimen of drafting. I say so because I did not draft it. I merely copied it from a Bill with which even the Attorney General for Ireland (Mr. Holmes) must be familiar. The Bill from which I took these words provided that in cases where special juries were summoned there should be notice of motion or a summons to the other side, that the case should be discussed in Court, that the Judges should have a discretion to grant or to refuse the application, that an order for a special jury should not be granted unless the High Court is satisfied that the application for it is not made vexatiously, and that it is expedient for the ends of justice that the trial should take place before a special jury. My Amendment is taken, as far as circumstances permit, from the draft of the Criminal Code which was presented to Parliament by Sir John Holker on behalf of the Tory Party. It is very remarkable that the four learned Judges who drafted this code expressed the wish that in every case the Law of Ireland should be assimilated to the Law in England, and after mature and grave deliberation in respect to cases of special juries, they adopted a section in the words of my Amendment. Why should a different proposal to that made in 1878 be made in 1887? Because the exigencies of Party require a different state of things. The four learned Judges who drew up the Code said they sat from May, 1878, to November, 1879, and considered carefully and deliberately every sentence and every clause of their recommendations. There are the names of four Gentlemen at the back of this Bill. There is that of the English Attorney General, of whom I shall say nothing in particular; there is that of the Irish Attorney General, who will administer the Bill; there is that of the Chief Secretary for Ireland, who loves power, and who will, I am sure, make a thoroughly effective use of it; and there is that of the Home Secretary. These Gentlemen put their puny wisdom against the experience of four learned Judges. I beg to move the Amendment which stands in my name.

Amendment proposed,

In page 3, line 11, to leave out from "court" to end of clause, and insert "on application of either the Attorney General or the defendant on notice of motion or summons to the other side, make an order that the trial of the defendant or defendants, if more than one, shall be by a special jury.

"No such order shall be made unless the High Court is satisfied that the application for it is not made vexatiously or for delay, and that it is expedient for the ends of justice that the trial should take place before a special jury. The court may in such order postpone the trial on such terms as seem just."—(*Mr. Mac Neill.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The Amendment that has just been moved raises a narrow, but, at the same time, an important issue. Similar Amendments stand in the names of the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) and of the right hon. and learned Gentleman the Member for South Hackney (Sir Charles Russell). I only regret that it has not fallen to the lot of either of those right hon. Gentlemen to move this Amendment, because I think they would not have entirely forgotten the courtesies which ought to exist between one Member of the House and another, and would have recognized that there may be honourable men practicing at the Irish Bar. The question raised by the Amendment is whether a special jury shall, under certain circumstances, be obtained as a matter of right. I need hardly say that this is a question to which the Government have given careful and mature consideration, and the conclusion they have come to is embodied in the Bill. The clause corresponds in this respect with a clause in the Act of 1882, which introduced into the Criminal Law a practice already established in civil actions. In every civil action tried in this country, it is the right of one or the other party, as a matter of course, to apply for a special jury. There was a time when it was not a matter of course, and when an order of the Court was required; but a change was made, and now it is a matter of right. We have come to the conclusion that it ought to be a matter of right in criminal cases. It is asked why discretion is not given to the Court? Applications for special juries will very rarely be made vexatiously, and it is a very inconvenient thing to have the facts of a criminal case discussed at great length on a preliminary motion of this kind. I know sufficient of the practice in Ireland to know that there would be a discussion in behalf of the defence in every single case of this kind. All the facts would be canvassed—a thing which is to be avoided if it be possible. The hon. and learned Gentleman (Mr. Mac Neill) referred at some length to the character of the Attorney General for Ireland. He said he did not refer to me personally, but——

MR. MAC NEILL: I referred simply to the character of the Office.

MR. HOLMES: He said the holder of the Office is a servant of the Executive. That I entirely deny. The Attorney General for Ireland is in the same position exactly as the Attorney General for England. I have had the honour of knowing many men who have held the Office of Attorney General for Ireland, and I do not know any one of them who would take a hint or order from any Member of the Executive. The Attorney General for Ireland acts upon his own motion—indeed, I have never known a hint or order given by the Executive in reference to the discharge of his duties. Whatever is done by the Attorney General for Ireland is done upon his own responsibility, and upon his own initiative. If he does any wrong the Committee may be sure it is his own act, and in no way dictated by any other Member of the Government. There is not a single member of the legal Profession in Ireland, who carries on his work in an honourable way, who would accept the Office of Attorney General subject to the terms and conditions which have been specified by the hon. and learned Gentleman. The simple reason why the Attorney General is mentioned in this clause is that he is one party to the criminal litigation. The Attorney General for Ireland stands in the same position on one side as the accused stands on the other; therefore, if an application is to be made or notice is to be served, it must be done on the one side by the Attorney General for Ireland, and on the other by the defendant. It is asked why we deviate from the Act of 1882. Well, the reason is very simple; we think that, inasmuch the service of a notice would not have the same authentication as an order of the Court, and seeing that it must be acted on by the Sheriff and other officers, it is better to have the order drawn up by the Court. When it is objected that it is an order, as of course, it must be remembered that such things as those are well known in law. That is a small matter; but, as reference has been made to it, I thought it right to mention it. I will not take up the time of the Committee by going into this matter further.

SIR CHARLES RUSSELL (Hackney, S.): I will certainly draw no distinctions between considerations that apply to the Office of the Attorney General for Ireland and to those that would apply to a similar Office in England, though, of course, it is well known to hon. Members on both sides of the House that in Ireland the Attorney General is much closer in connection with the administration of the Criminal Law than the Attorney General is in England. But I should object to this clause, as it now stands, whether it applied to the Attorney General for Ireland or the Attorney General for England, and I will very shortly state to the Committee why I should object to it. It may, or may not, be a proper thing to give to the Attorney General for Ireland the right of requiring on his own *ipse dixit* a special jury. That may, or may not, be right; but if it be right to give him that power I do not see why the Court is to be brought into the matter at all, because this clause, as it stands without amendment, requires the Court, not as a judicial Act, not as a matter upon which their judgment and discretion are called in question, but to act as a mere Ministerial register in judicial form, in such manner, as the Attorney General, in his executive capacity, may be pleased individually to determine. Therefore, if it be right that this power should be vested with the Attorney General for Ireland, let it be given to him openly, and let the precedent of the Act of 1882 be followed, by which no reference to the Court at all was contemplated, but according to which it was given to the Attorney General for Ireland to say whether there should, or should not, be a special jury. I am not myself in the least affected by the precedent of the Statute of 1882. I will not say more than this in reference to that Statute. I do not agree that the circumstances were at all analogous to those of the present case. I do not think that the state of things which, it was argued, justified the precedent of 1882, in fact, justified that precedent, and if it did, that state of things does not now exist. I had the pleasure of voting against what was done in 1882, as I should, under similar circumstances, vote against it again. But there is, besides that difference that I have suggested, the further difference, that in 1882 it was admittedly the temporary use of what was called a "hateful expedient" by the Government. It was said to be an exceptional measure, only to be justified by the circumstances of the day, and only to be resorted to for the time, under exceptional temporary circumstances. But the Bill we are now dealing with it is intended to incorporate permanently into the general law of the land; therefore, it does seem to me more important that we should consider closely the powers which are given under it. I say, therefore, first, that if the power is to be given to the Attorney General for Ireland it ought to be given to him directly, and that the Court ought not to be made merely a machine, so to speak, for registering, in a judicial form, his behests. But I object to the Attorney General for Ireland having this power, and I think it is of importance that this should be brought to the attention of the Committee at once. The question of the special jury may be most important. It is very significant that the framers of this Bill have used the same language, practically, as to each important matter—namely, that they have given power to the Attorney General for Ireland, in the first instance, to declare whether the venue should be changed, whether there should be a special jury, and that there should be an order of the Court as of course. My objection, therefore, is this that the power ought not to be vested in the Attorney General for Ireland, and that, if there is to be a reference to the Court at all, the proper form in which that reference to the Court should take is this, that the Court may, for good cause, make the order either for a special jury or to change the venue as it sees fit for good reason. I think the remarks of the right hon. and learned Gentleman deserve attention because, though one may not agree with him, he is at least always clear in what he says. But, in this case, the only argument I heard him use in support of the clause as it stands and against the Amendment was, that the fact of requiring it to be an order of the Court would give it an appearance of greater solemnity. He said that, or words to that effect. But that does not seem to me to be at all a sufficient reason. I do not think it is a proper position in which to place any person of the judicial Bench either in England or in Ireland—the position of merely having to register the will of the Executive Officer of the day—the Attorney General for Ireland, who is a political Member of the Executive Government. I say the reference ought to be if it is a matter that requires the intervention of the judicial authority at all, the direct intervention of the Judge, who shall say whether or not the order is one which should be made. I should very much have preferred if this discussion could have been taken on the Amendment which stands on the Paper, in the name of my right hon. Friend the Member for Wolverhampton (Mr. Henry Fowler), or on the Amendment which stands on the Paper in my own name; but as, Sir, the way in which you will put this Amendment will exclude later Amendments to the same effect from coming on, I shall feel bound to support the proposal before the Committee.

Mr. CHANCE (Kilkenny, S.): I exceedingly regret that the right hon. and learned Gentleman the Attorney General for Ireland should have thought it necessary to import into this discussion, which was distinctly of an academic character, a very considerable amount of heat, and that whilst he accused my hon. and learned Friend the Member for South Donegal (Mr. Mac Neill) of forgetting the courtesy due to men holding judicial positions, he did not himself think it a breach of courtesy to express regret that my hon. and learned Friend belonged to a profession of which the right hon. and learned Attorney General for Ireland himself is so distinguished an ornament. I regret very much that any discussion should be carried on in this House in such a manner, and I think that the last thing people who live in glass houses should do is to throw stones. I think it would be well for right hon. Gentlemen if they desired to avoid the aspersion of being merely Pecksniffs to refrain from throwing accusations against hon. Members as to breaches of courtesy in this Committee. The right hon. and learned Gentleman asked us why the parties in these prosecutions should not have this right, and he pointed out that though the right was given to the Attorney General for Ireland to have a special jury if he desired it, yet the balance of justice was struck by giving the defendant an equal right to claim a special jury, if he so desired it. That argument is obviously and transparently a fallacy. He might, with an equal amount of reason, say this to a prisoner—"It is true I take power to hang you, but I bring about a balance of justice in the case by giving you power to hang yourself." I am surprised that a lawyer of the experience and ability of the right hon. and learned Gentleman should use such an argument in this House. The right hon. and learned Gentleman went on to argue with us who say that the Attorney General for Ireland should not have this power, and he seemed to speak of civil cases, and of criminal cases alike. But there is a great distinction to be drawn between these cases. Matters in dispute in civil actions in Ireland are, as a rule, of very small importance, only involving a few pounds; and jurors, from whatever class they are drawn, are perfectly capable of dealing with such considerations. Then, again, in cases of this kind, the plaintiff and the defendant stand upon perfectly equal terms, each one having to manage his own case, out of his own resources. They have equal rights of challenge, and have equal facilities for the production of evidence, but none of these analogies exist in a case where the Crown is the prosecutor. The Crown with all its powers, and with all its wealth, and with all the means, creditable and discreditable, by which it obtains convictions, and with its unlimited power of requiring jurors to stand aside, is in a very different position from a party in a civil action. It must be remembered that the Crown is on the side of the Resident Magistrates, and that you have the Resident Magistrates taking one side, and, it may be, poor and needy peasantry standing upon the other. I regret that the right hon. and learned Gentleman has not had regard to the Indictment for Offences Bill of 1879. He was asked to give a reason why the Government had abandoned every principle set forth in that measure, but we know that the memories of Ministerialists are very short. They are very fond of talking about continuity of policy—continuity of foreign policy, and so forth—and they should have given us some reason why, in the matter we are now discussing, they have abandoned continuity. They should have told us why they turned their backs upon the Bill of 1879. The right hon. and learned Gentleman, if he had referred to that Act, would have found that under one of the Sections the Court might be asked to interfere and decide whether special juries should be had, or should not be had, and was entitled to refuse special juries unless it saw that it was expedient for the ends of justice that they should be empannelled. It is a strange thing that the Executive should be afraid of giving, in this Bill, similar powers to those contained in the measure to which I refer. We heard, about half-an-hour ago, a long disquisition, in which the Law Officer proceeded to show that in cases of felony it would be impossible to get a trial if the jury were struck under the old system; that if a trial were taken to the Court of Queen's Bench, and the prisoner charged with felony chose to exercise his right of challenge, he would be able to defeat the ends of justice. I did not think that argument a sound and true one, and I referred to the section of the Act under which such a state of things was said to be possible, and I found that the law did not bear the construction which the right hon. and learned Gentleman placed upon it. But, apart from those technical questions, there is a larger and deeper question involved. The case of the Government, in introducing this Bill, is that law and order is at a discount in Ireland, that no confidence in the law exists, and that law does not protect those who appeal to its protection. But I maintain that the Clause, as it stands, would act directly against that view, it would destroy confidence in the law, and render the law still less powerful to protect those who appeal to it. That is perfectly obvious. For the first time in Criminal Law it is proposed to make the Judges the merest Ministerial Officers of the Executive Government in thorough mockery of their judicial functions. It is proposed to compel them to do that which the Attorney General for Ireland thinks it right that they should do. I have always understood that a Judge is a person who should sit in a Court, having jurisdiction to decide according to his conscience, and according to the law, and to administer justice impartially between one side and the other. Though that distinction may apply to future trials where the prosecutor is not the Crown, yet I would point out that it is proposed by this clause that where the Crown puts forth its power to obtain a conviction against an unfortunate peasant, the Judge should no longer be independent, but should be degraded into acting as a mere tool of the Executive Government. We have had allusion to the Act of 1882. Right hon. Gentlemen who are so fond of appealing to those Acts, however, are not willing to agree with the section of that Act at all; because, in the 4th section of that Act, I find that by notice served upon either party, a special jury shall be had, and no application to the Court is necessary. I hope we shall be troubled no more by incorrect applications of an Act the principle of which the Tory Party 18 months ago abandoned once and for ever. I hope we may have some clear explanation from Her Majesty's Government as to why, in dealing with this Bill for the first time, they depart from the principles of a measure which a Committee of Tory Members brought forward, and which was revised by a Committee of Judges, most of whom were Tories, and which was amended under the patronage of the Tory Government. I should like to know what benefit the Government expect to obtain from the degradation of judicial offices in Ireland, at a time when they say that law and order is weak, and requires to be strengthened in that country. I must say it seems to me that theirs is a very peculiar way of strengthening law and order; and I must say I trust that we shall have some more moderate and reasonable defence made for the Bill as it stands than that which we have heard from the Tory Law Officer, who gets £9,000 a-year, and governs the whole of the judicial machinery in Ireland.

Mr. HENRY H. FOWLER (Wolverhampton, E.): I assume that orders for special juries, which have been referred to, are obtained in the Court in some way or other?

Mr. HOLMES: I think that in Ireland they are moved for in Court, and not in chambers; but the application is of a formal character.

MR. HENRY H. FOWLER: The Committee having accepted the principle that there should be special juries when circumstances seem to require it in the classes of cases in Ireland which have been referred to, the point is whether special juries should be granted as a matter of course on the application of either the Attorney General for Ireland who represents the prosecution, or of the counsel for the defendant who is to be put on his trial; or whether the granting of the special jury should be a distinct act of judicial discretion on the part of the Court. That appears to be the real issue; and, for my own part, I desire to enforce the view that this granting of the special jury should be a matter of judicial discretion, and not a matter of course. The right hon. and learned Gentleman the Attorney General for Ireland raised two arguments, both of which are weighty. His first was this —he said—"You are entitled in civil procedure to a special jury as a matter of course, and why should you not in criminal matters or questions of as great importance have the same right?" The answer to that is, that the essence of criminal procedure is that a man shall be tried by his peers—by people in his own rank of life, who may be assumed to have sympathy with the circumstances, and with the facts that surround the offence with which he is charged—I do not mean to say sympathy with the offence, but sympathy with the circumstances surrounding the parties. I think that is a sufficient distinction as between a civil and a criminal action. A civil action in this country is, as a rule, merely a matter of money; but the assumption in the Criminal Law in this country is that criminal charges are of a much graver nature, and, as affecting individuals in their ordinary capacity as members of the community, they should be tried by their peers. I must say that the other objection of the right hon. and learned Gentleman seemed to have a little more force in it—namely, that there is a danger of all the facts of the case being brought out preliminary. Would that be so? Under Palmer's Act I never knew any practical inconvenience to arise from the statements of the facts coming before the Court, and for the reason that the application for the Court would be, not on the merits or demerits of the case, but as to whether there would be a probability of an ordinary jury discharging its duty without fear or favour; and in considering a point of that sort the influence which the prosecution would have on the one side might be considered no more than the influence the prisoner might have upon the jury on the other hand. No doubt, the Government have fully considered this matter, and there is not the slightest doubt that the majority of this Committee will vote according to the view of the Government. But so far as the Act of 1882 goes, I, like my hon. and learned Friend the late Attorney General (Sir Charles Russell), shall not be bound by that Act. I fought many a battle against that measure; I resisted many of its clauses, just as I an resisting this Bill to-day. I dislike that Act; the Government professes to be guided by it in some respects, but they are now departing from it. They are introducing another plan because they say it is a better one. I must say I think that their mode is an improvement on that of 1882. The question is, if there is a probability that there cannot be a fair trial before a common jury, that question should not be settled by either of the litigants —either by the Crown, on the one hand, or by the prisoner, on the other, the matter should be considered and decided by the Court. If a special jury is awarded, it should be awarded by the Court, for, under those circumstances, the verdict would be more likely to be acceptable than would the decision under the circumstances proposed. I do not think the Crown would act vexatiously; but I think that both sides would try to get a jury that they would consider consonant with justice.

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): It seems to me that my right hon. and learned Friend the Attorney General for Ireland (Mr. Holmes) has made a very clear and simple statement of the law, and that he expresses a firm and candid opinion that those who hold the Office of Attorney General for Ireland should not be hampered or influenced in pursuing their course of public conduct by any such motives as are suggested by those who move these Amendments. I fully admit the very great importance of this question, and particularly the aspect of it to which the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) has directed attention. But I may say, after considering this matter very carefully, that there are serious objections to having, as has been suggested, a preliminary discussion in Court for the purpose of deciding whether or not there should be a special jury. Now, the question of the removal of defendants under a change of venue is an entirely different matter from this. The former Act only applies to cases of changes of venue, and it has nothing whatever to do in this regard. The Government have considered that in dealing with the class of facts which would be likely to give rise to the necessity on one side or the other for an application for a special jury it is very undesirable that there should be a preliminary trial or inquiry, which must, to a very large extent, involve both parties in a disclosure of their case and the facts upon which they rely in such a way as to indicate the merits. But what are the facts? The application is to be made either on the responsibility of the Attorney General for Ireland of the day, who is presumed to do his duty impartially, and who is thoroughly conversant with the facts of the case, or it is to be made on the responsibility of the advisers of the defendants, who also are perfectly acquainted with the pertinent facts. This is fair to both sides. And then one word more with regard to the suggestion that the Courts are in some sort of indirect manner affected adversely by the proposal in this clause. So far as the assertion that the dignity of the Court would be endangered is concerned, I say that the Government has put forward their proposal simply because they think that it is exceedingly desirable that a matter of this character should be done formally by the orders of the Court, and should not be done by giving notice on the responsibility of one side or of the other. When the matter has been done in that formal way it would be regarded as an important step, and one that would not be taken hastily and without consideration. The Government certainly consider that where equal right of applying is given to both prosecutor and to defendant it is not at all desirable or in the public interests that there should be a preliminary inquiry or discussion. That being so, the Government are unable to accept this Amendment, because it would remove the responsibility from the shoulders of the Attorney General for Ireland in Office, and it would deprive the defendant of rights which he has under the clause as it now stands. For these reasons it is impossible for the Government to accept the Amendment.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): I am not myself an admirer of the jury system when it is perverted from its proper purpose. However, I am strongly of opinion that the jury system is a good system when the defendant is tried by his peers without fear or prejudice; and I mean by peers those who are pretty much on a level as regards social position and the like with the accused. It is quite clear to me that a jury composed exclusively of special jurors is not a fitting tribunal for the trial of prisoners coming from a class to which such jurors do not themselves belong. These juries are bodies in which inhere very great social responsibility, if they fairly dispense justice between man and man. But, of all tribunals, the packed jury is undoubtedly the worst, and I think the Government should take some care against the institution and nurture of such a gross abuse. Yet it seems to me that the Bill of the Government is aimed against the jury system in its original and proper sense of trial by peers. It was said that the object of the Amendment was to insure that justice would be done; but if you have packed juries——

The CHAIRMAN: I am afraid the hon. Member (Sir George Campbell) is discussing three Amendments at once. The question is whether the special jury is to be obtained as a matter of right by either prosecutor or defendant, or whether the matter is to be left to the discretion of the Court.

Sir GEORGE CAMPBELL: I think that the remark I was making just now would have applied especially to this question of special juries, because it does seem to me that if you have a jury devoid of the sense of social responsibility as peers of the accused, not justice, but injustice, will be done. As to changing the venue and the like, I myself believe that that might be a benefit to a man in a high station of life, but certainly not, in many cases, to the poor. For these reasons I support the Amendment, and I hope the Government will see their way to so modify the clause as will prevent the adoption to pernicious purposes of the special jury system.

MR. DILLON (Mayo, E.): I do not think, Sir, that the Attorney General (Sir Richard Webster) can have even himself accepted seriously the line of argument which he pursued. For my part, I cannot understand why it is that Ministers of the Crown persist in making statements and weaving arguments which have no tendency to clear up the matters in discussion or to answer the objections which have been made from this side of the House in regard to these Amendments. It is a very hard, it is a very difficult matter indeed, for us to take as a really serious argument the assertion of the Government that they considered they were doing equal justice all round in this matter, because they gave the same right to the defendant which was given to the Attorney General for Ireland. Does the Attorney General (Sir Richard Webster) suppose or pretend that any person in Ireland of our way of thinking is going to apply for a special jury? He must surely see the absurdity and the preposterous character of such an idea. But then, on the other hand, the members of the Orange Party can apply for a special jury, and this provision is for the benefit of Orangemen, and expressly left in in order that the Orangemen may apply for such a jury as in their case will greatly lessen the risk of conviction. Right hon. Gentlemen opposite must know that this right given to the defendant, which the Government put forward as a justification for the method of this clause, is absolutely no right whatever, and I say that it is a perfect mockery to talk about the same right being extended to the prisoner as is extended to the prosecutor. Now, let us take an illustration. We have an Amendment in the name of my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy), which we intend, if necessary, to press to a Division, expressly omitting the words "or defendant," and seeking to deprive the defendant of the so-called right which the Government propose to give the defendant, simply because we know quite well that it is absurd to suppose for a single moment that any one of the same way of thinking as the Irish Members would apply for a special jury. If it were necessary for me to bring home conviction in such a matter as this, the absurdity of which must be obviously evident to all fair thinking men, if it were necessary for me to take an illustration of the empty pretence of this proposal to give a pretended right to the defendant, I have only to ask the Committee to turn to Clause 4, where it will be found that the Government put forward, as a benefit to the defendant, to get a change of venue, and yet no such provision is made, although in this case a power of the sort proposed would be a benefit to a defendant. In Clause 3 persons are entitled to apply for a special jury, which, unless they happen to be Orangemen, will inevitably convict them. In Clause 4, where it is urgently needed, no such right is pretended to be given to the persons affected at all. I ask the Government, is there any force whatever in the argument put forward by the Attorney General (Sir Richard Webster), that equal rights were given to the defendant and to the prosecution. It is perfectly evident to anyone who understands the dodges of the Law Officers that the Government are very determined to have what the Attorney General for Ireland (Mr. Holmes), in an unguarded moment, called an "effective trial." The right hon. and learned Gentleman did not say a fair trial—he dropped the mask; and the object of the clause he made clear was to secure a course of conviction *fas* or *nefas*. If there is an honest Judge amongst the very few such who adorn the Irish Bench—["Order!"] —I ask hon. Gentlemen opposite why, if they consider the Irish Judges honest, they will not leave it to the discretion of those Judges in the administration of this affair? It is hon. Members on the other side who distrust or suspect the Irish Judges, because they will not allow to the discretion of those Judges the decision whether the venue should be changed. What the Government want is that every power shall be in the manipulation of the Executive in Ireland, in order that everything may be safe and secure against their prisoners.

Question put.

The Committee *divided*:—Ayes 215; Noes 106: Majority 109.—(Div. List, No. 193.)

Mr. T. M. HEALY (Longford, N.): I beg to move, Sir, that the clause should be amended by omitting the words "or a defendant." These words would give the defendant a right to have a special jury which would convict all defendants but Orangemen; and in order to get rid at once of all the pretence of fair play on the part of the Government, I move the omission of these words. Something similar to this clause was moved in the Act of 1881-2, but we did not then understand the purport of it. However, within the last few years we have gained considerable experience and of such a character as makes us very chary about the benefits which the Government offer to their opponents. I call this portion of the clause, myself, the unnatural offences portion. When Mr. Samuel Walker, as a Member of the late Government and the Solicitor General for Ireland, defended certain political defendants, a bitter attack was made upon him by the class who would benefit by the special juries. This unnatural portion of the clause was the shelter of Cornwall and the other scandalous creatures, who committed acts more loathsome than the beasts of the field, and yet these persons were defended by eminent Tory gentlemen, some of whom are now on the Judicial Bench, and some of whom now sit on the Treasury Bench in this House. Unnatural creatures are the only persons in Ireland who would agree with this provision puffed forward under the guise of fair play. It is no harm in Ireland, it is no dishonour to the Bar, or to anyone else, to defend these people. It is dishonourable to defend murderers, or people accused of conspiracy, but to defend unnatural offenders is one of the great privileges of the Bar in that country, although we know that these blackguards are infamous wretches that the tongue shrinks from describing in adequate language. The right hon. Gentleman the First Lord of the Treasury is looking very virtuous at this moment. No doubt, he is greatly shocked by what I am saying; but I am determined to tell the truth whether it annoys anybody or not. The more the truth annoys hon. Gentlemen opposite, the better I am pleased. All I have to say is that this clause is for the Freemason, Orange, and unnatural offenders class. I say it is to be passed in the interests of this gang. The Freemason gang in Dublin, and the Orange gang in Dublin, have availed themselves of it, and the unnatural offenders have availed themselves of it, and have secured joyful acquittal. I remember that the foreman of the special jury who tried the case of Fernandez, stated at the conclusion of the trial, when an acquittal had been secured, that the prisoner left the dock without a stain on his character. All these men were the heroes of the special jurors in Dublin, and this will give the Committee some idea of who the individuals are whom the Crown looks upon as worthy of being appealed to on special juries. I suppose it was the Crown who advised that these men should be put on the special juries. So far as the pretence is concerned, that this clause is designed in the interests of justice and in the interest of liberty, we spurn it, and spit upon it, and say it is well worthy of the source from whence it comes—for the Orangemen, as I say, availed themselves of it, the men who murdered Philip McGuire availed themselves of it, for it enables them to put men into the box who sympathize with their actions. It enables these people to put men into the box whom they have no necessity to challenge. I remember in one of these cases, when a man was challenged, the Judge took up an attitude, which I should think was adopted for the first time by one in his position, for he said—

> "Who are you challenging here? You are challenging Mr. Mackintosh, the musicseller; why are you challenging him?"

Mr. Mackintosh, I may observe, has since become a bankrupt; therefore he was probably a very proper man to have upon a special jury. I would ask the Government why they did not procure the conviction of the murderer of Philip McGuire, whose head was smashed in with a stone in Monaghan for having voted for me? "Oh!" said one of these eminent gentlemen, "Philip McGuire had a thin skull." It was not a murder at all, because the man's skull was unusually thin. It is to be distinctly understood that, so far as we are concerned, you are moving this provision in the Bill in the interests of this class of persons to whom I refer, just as you have inserted in the measure a saving provision in regard to unlawful associations, in order to prevent Orange societies from being proclaimed when the Liberal Party comes into Office; for we know that, although you have given Parliament a veto in this matter, the House of Lords will undo whatever may be done in this Assembly. To say that you insert this provision in the Bill in order that people who hold popular opinions may obtain the protection of special juries, is simply to talk bosh and nonsense, and no one knows that better than the authors of this beautiful provision. I say this provision is a fraud. If the foul scoundrels whom rain was sent from Heaven to destroy are to be protected in a special manner, let it be done on the *fiat* of the Attorney General for Ireland; do not let it be done by this Bill. If the Orange murderers are to go scot-free, let it be done by the *fiat* of the Attorney General for Ireland. The right hon. and learned Gentleman himself shrinks from the responsibility of conniving at the escape of these scoundrels. He wishes them to find the opportunity for themselves, well knowing that they will succeed in doing so—well knowing that they will seek in the jury-box the protection of men whom, the moment you see them there, you know perfectly well the kind of verdict they will give. We can tell, the moment we see these special jurors in the box, what they will do. We can scent out their verdicts, just as the right hon. and learned Gentleman the Attorney General for Ireland thinks he can scent out the verdicts common jurors will give in the case of Nationalist prisoners. I say that this system of providing defence for these wretched and abominable offenders is devised for the sake of saving the Irish Attorney General. The right hon. and learned Gentleman does not wish to take upon himself the loathsome task. It would give those in Dublin Castle the credit of complicity—of conniving at these offences. Some people place murder in one category, and would place these abominable offences to which I have adverted in another. For my own part, as I have said before, I would rather stand in the dock with a Joe Brady than be acquitted from the dock with Cornwall and Fernandez. I would rather be convicted of murder than have had part or lot in the crimes committed by Cornwall, your official, by Fernandez, your military gentleman, or by French, your detective director. It is to be remembered that these were your own officials, the men of whose skill you boasted, the men who have been in your employ for 20 or 30 years. We remember that French wrote a letter from prison saying that he had worked a case so close up to the wind that he had won the approval of Her Majesty's chief Crown Officials. I say you may denounce murderers in Ireland, but we have our opinion of the gentlemen who catch the murderers. For my part, I hold that the men who entrap the murderers are more loathsome and contemptible and desperate than the murderers themselves. I beg Sir, to move the Amendment which stands in my name.

Amendment proposed, in page 3, line 12, leave out "or a defendant."—(*Mr. T. M. Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. MAURICE HEALY (Cork): We, Sir, are now entering upon a new phase of the Government tactics, when we find that they do not even rise to defend the provisions of their own Bill.

An hon. Member: Certainly not.

Mr. MAURICE HEALY: I ask, is this a reasonable proceeding on the part of right hon. and hon. Gentlemen opposite? The right hon. and learned Gentleman has previously stated that this provision is to enable us to have equality. Yes, Sir, the sort of equality involved in the maxim, "Heads I win, tails you lose." Heads I win, if the Crown appeals to a special jury for the trial of a Nationalist. Tails you lose, if a prisoner applies for a special jury on his own behalf. The Nationalist will be convicted by a special jury; the Orangemen will get off. That is the sort of equality that this particular provision is intended to bring about. I maintain that this clause has two designs—first, to convict Nationalists; and, second, to get off Orangemen who assault and murder Nationalists. That is the object of this clause, and I, for one, protest not merely against the form of the clause, but against the pretence that it is adopted for the defence of public liberty in Ireland. I can well understand that, at any rate, the Irish portion of the officials on the Front Benches opposite have some hesitation in rising to defend this clause. They cannot attempt to deny one of the facts that have been set forth in support of the Amendment. They cannot attempt to deny that almost the only occasion on which this provision was made use of under the Crimes Act was when it was used by criminals of the kidney of French and Cornwall. These gentlemen made use of this provision in order to put into the jury-box to try them, men of the special jury class of the City of Dublin, their own friends and sympathizers, who of course, did the work which it was intended they should do, and sent the prisoners out free "without a stain upon their character." Now it may be fairly urged, as it has been urged to-night, that when you have a special jury set in motion on the *fiat* of a great public official like the Attorney General for Ireland, you have some guarantee that the arrangement will not be abused; but what guarantee have you in this case, where the special jury is set in motion, not on the *fiat* of the Attorney General for Ireland, not with the sanction of any Court—because the Court is a mere marionette in the matter, which must grant the order that is asked for—not with the sanction or on the *fiat* of any official whatsoever, but simply at the request of the criminal himself, who may desire to be tried by his pals of the special jury class? I do protest against the clause in its present form, and I particularly protest against the silence of the Treasury Bench, who have not attempted to rise to defend this most iniquitous provision.

Mr. CHANCE (Kilkenny S): We have arrived at a new stage of the discussion of this Bill, when the Treasury Bench, and those behind who call themselves a party of English Gentlemen, sit silent when an Amendment of this kind is moved and supported by such arguments as those we have heard, and they are, I presume, prepared by their votes to give protection in the special way proposed to a class of criminals whose character I will not venture to describe. We have disposed of that part of the clause by which the Judges of the Court are to be made mere executive officers to carry out the will of the Government and of Dublin Castle, and now we have arrived at the further stage when the High Court of Justice, as it is called in Ireland, has, upon the application of men such as have been described —men who have taken part in the government of Ireland, and there may be such men existing still—to act as protectors and abettors of these people in enabling them to escape from justice. I think that no Government could possibly be in a more degraded and horrible position. We see these men, Members of the Government sitting on the Bench opposite, absolutely dumb, asking the Committee to afford protection to a class of criminals who would be scouted out of any country on the face of the earth laying any sort of claim to a sentiment of Christianity.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): Will not the right hon. and learned Gentleman the Attorney General for Ireland say what there is to be said in reply to the contention of hon. Members who have supported this Amendment? I, myself, am not at all sure that, from his own point of view, a perfectly satisfactory answer cannot be given, and I think the time of the Committee will be saved if it were given now.

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): I think if the right hon. Gentleman had heard the speech in which this Amendment was moved by the hon. Member opposite, which I cannot believe he did——

Mr. JOHN MORLEY: I did.

Mr. A. J. BALFOUR: Then he cannot be surprised at no reply being made by the Government.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I claim to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

The Committee *divided*:—Ayes 229; Noes 98: Majority 131.—(Div. List, No. 194.)

AYES.

Addison, J. E. W.
Agg-Gardner, J. T.
Ambrose, W.
Anstruther, Colonel R. H. L.
Ashmead-Bartlett, E.
Baden-Powell, G. S.
Baggallay, E.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Balfour, G. W.
Barry, A. H. Smith-

Bartley, G. C. T.
Barttelot, Sir W. B.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beadel, W. J.
Beaumont, H. F.
Bentinck, rt. hn. G. C.
Bentinck, Lord H. C.
Bentinck, W. G. C.
Beresford, Lord C. W. De la Poer
Bethell, Commander G. R.
Biddulph, M.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Col. H. B. H.
Bond, G. H.
Bonsor, H. C. O.
Boord, T. W.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Burghley, Lord
Caine, W. S.
Caldwell, J.
Campbell, R. F. F.
Chamberlain, R.
Charrington, S.
Clarke, Sir E. G.
Coddington, W.
Coghill, D. H.
Commerell, Adml. Sir J. E.
Compton, F
Cooke, C. W. R.
Corbett, A. C.
Cotton, Capt. E. T. D.
Cranborne, Viscount
Crossley, Sir S. B.
Crossman, Gen. Sir W.
Cubitt, right hon. G.
Currie, Sir D.
Curzon, hon. G. N.
Dalrymple, C.
Davenport, H. T.
Davenport, W. B.
De Cobain, E. S. W.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dickson, Major A. G.
Dimsdale, Baron R.
Dixon, G.
Donkin, R. S.
Duncombe, A.
Dyke, right hon. Sir W. H.
Ebrington, Viscount
Egerton, hon. A. J. F.
Egerton, hon. A. de T.
Elliot, hon. H. F. H.
Elliot, G. W.
Elton, C. I.
Feilden, Lieut.-Gen. R. J.
Fergusson, right hon. Sir J.
Field, Admiral E.
Fielden, T.
Finch, G. H.
Finch-Hatton, hon. M. E. G.
Fitzgerald, R. U. P.
Fitz-Wygram, General Sir F. W.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Fraser, General C. C.
Fulton, J. F.
Gathorne-Hardy, hon. A. E.
Gedge, S.
Gent-Davis, R.
Gibson, J. G.
Giles, A.
Gilliat, J. S.
Godson, A. F.
Goldsmid, Sir J.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hon. G. J.
Gray, C. W.
Grimston, Viscount
Gunter, Colonel R.
Gurdon, R. T.
Hall, C.
Halsey, T. F.
Hambro, Col. C. J. T.
Hamilton, Lord C. J.
Hamley, Gen. Sir E. B.
Hankey, F. A.
Hardcastle, E.
Hardcastle, F.
Havelock-Allan, Sir H. M.
Heath, A. R.
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Heneage, right hon. E.
Herbert, hon. S.
Hill, right hon. Lord A. W.
Hill, Colonel E. S.
Hill, A. S.
Hobhouse, H.
Holland, rt. hon. Sir H. T.
Holmes, rt. hon. H.
Hornby, W. H.
Howard, J.
Howorth, H. H.
Hozier, J. H. C.
Hubbard, E.
Hunt, F. S.
Isaacs, L. H.
Isaacson, F. W.
Jackson, W. L.
Jarvis, A. W.
Kelly, J. R.
Kennaway, Sir J. H.
Kerans, F. H.
Kimber, H.
King-Harman, right hon. Colonel E. R.
Knatchbull-Hugessen, H. T.
Knightley, Sir R.
Knowles, L.
Lafone, A.
Lambert, C.
Lawrance, J. C.
Lawrence, Sir J. J. T.
Lees, E.
Legh, T. W.
Lewis, Sir C. E.
Lewisham, right hon. Viscount
Llewellyn, E. H.
Long, W. H.
Low, M.
Lowther, hon. W.
Lowther, J. W.
Macartney, W. G. E.
Macdonald, right hon. J. H. A.
Mackintosh, C. F.
Maclean, J. M.
Maclure, J. W.
M'Calmont, Captain J.
Malcolm, Col. J. W.
Mallock, R.
Marriott, right hon. W. T.
Maskelyne, M. H. N. Story-
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Mayne, Admiral R. C.
Mills, hon. C. W.
Milvain, T.
Morgan, hon. F.
Morrison, W.
Mount, W. G.
Mowbray, rt. hon. Sir J. R.
Mulholland, H. L.
Muntz, P. A.
Murdoch, C. T.
Newark, Viscount
Noble, W.
Norris, E. S.
Northcote, hon. H. S.
Norton, R.
Paget, Sir R. H.
Parker, C. S.
Pelly, Sir L.
Plunket, right hon. D. R.
Plunkett, hon. J. W.
Pomfret, W. P.
Powell, F. S.
Puleston, J. H.
Quilter, W. C.
Raikes, rt. hon. H. C.
Rankin, J.
Rasch, Major F. C.
Reed, H. B.
Ridley, Sir M. W.
Ritchie, rt. hon. C. T.
Robertson, W. T.
Robinson, B.
Ross, A. H.
Selwin-Ibbetson, rt. hon. Sir H. J.
Sidebotham, J. W.
Sidebottom, T. H.
Sinclair, W. P.
Smith, rt. hon. W. H.
Smith, A.
Spencer, J. E.
Stanhope, rt. hon. E.
Stanley, E. J.
Sykes, C.
Talbot, J. G.
Tapling, T. K.
Taylor, F.
Temple, Sir R.
Tomlinson, W. E. M.
Townsend, F.
Trotter, H. J.
Verdin, R.
Vernon, hon. G. R.
Vincent, C. E. H.
Watson, J.
Webster, Sir R. E.
Webster, R. G.
White, J. B.
Whitley, E.
Whitmore, C. A.
Wilson, Sir S.
Wodehouse, E. R.
Wolmer, Viscount
Wood, N.
Wortley, C. B. Stuart-
Wroughton, P.
Young, C. E. B.

TELLERS.

Douglas, A. Akers-
Walrond, Col. W. H.

NOES.

Abraham, W. (Glam.)
Abraham, W. (Limerick, W.)
Acland, A. H. D.
Acland, C. T. D.
Allison, R. A.
Atherley-Jones, L.
Blane, A.
Broadhurst, H.
Buxton, S. C.
Byrne, G. M.
Cameron, C.
Cameron, J. M.
Campbell, Sir G.
Campbell, H.
Carew, J. L.
Chance, P. A.
Clark, Dr. G. B.
Cobb, H. P.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Cremer, W. R.
Crossley, E.
Dillon, J.
Dillwyn, L. L.
Ellis, J. E.
Ellis, T. E.
Evelyn, W. J.
Evershed, S.
Ferguson, R. C. Munro-
Finucane, J.
Foley, P. J.
Fox, Dr. J. F.
Fuller, G. P.
Gill, T. P.
Gladstone, H. J.
Haldane, R. B.
Harrington, E.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.

Healy, T. M.
Hooper, J.
Hoyle, I.
Hunter, W. A.
Jacoby, J. A.
Kenny, C. S.
Lalor, R.
Lawson, Sir W.
Lawson, H. L. W.
Lefevre, right hon. G. J. S.
Lewis, T. P.
Lyell, L.
Macdonald, W. A.
Mac Neill, J. G. S.
M'Arthur, A.
M'Arthur, W. A.
M'Cartan, M.
M'Carthy, J.
Mason, S.
Molloy, B. C.
Morgan, O. V.
Morley, rt. hon. J.
Neville, R.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Connor, A.
O'Connor, J. (Tippry.)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
Pickersgill, E. H.
Picton, J. A.
Pinkerton, J.
Plowden, Sir W. C.
Power, P. J.
Power, R.
Priestley, B.
Provand, A. D.
Pyne, J. D.
Roberts, J.
Rowlands, J.
Rowntree, J.
Russell, E. R.
Schwann, C. E.
Sheehan, J. D.
Shirley, W. S.
Stuart, J.
Sullivan, D.
Summers, W.
Tanner, C. K.
Tuite, J.
Waddy, S. D.
Wallace, R.
Wardle, H.
Wayman, T.

TELLERS.
Biggar, J. G.
Sheil, E.

Question put, "That the words 'or a defendant' stand part of the Clause."

The Committee *divided*:—Ayes 228; Noes 94: Majority 134.—(Div. List, No. 195.)

Mr. W. H. SMITH: I now claim to move "That this Clause stand part of the Bill."

The CHAIRMAN: There remain on the Paper several Amendments to the words of the clause, and several Provisoes to be added to the clause. Some of these have been decided by the Divisions already taken, and, therefore, will not come on for discussion. None of the remaining Amendments to the words of the clause are of sufficient importance to demand discussion; but out of the Provisoes, as far as I can ascertain on the very short examination I have been able to make, there remain two, or perhaps three, questions that might require some debate, although it is possible there may be no doubt as to what the result will be. Amendment No. 44, which gives to the defendant power to elect to be tried by a single Judge instead of by a special jury, is one which, perhaps, might bear discussion, although it cannot be conceived that such a power would be thrown on a Judge. The other Provisoes to which I have referred are 48 and 52, dealing with the question of challenges. I think, before the Question is put, "That the Clause stand part of the Bill," some opportunity should be allowed for the discussion of these proposals.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): I think I should have an opportunity of moving the Amendment which stands in my name. I have already, on a previous Amendment, expressed my opinion that a jury composed exclusively of special jurors is not a fitting tribunal for the trial of prisoners coming from a class to which such jurors do not belong. After your expression of opinion, therefore, Mr. Courtney, I shall be very brief, and will simply express a hope that the Government will accept this Amendment, which is based upon the prevalent practice in Scotland.

Amendment proposed, in page 3, line 14, leave out "special jury," and insert "jury of which one-third shall be special jurymen."—(*Sir George Campbell.*)

Question proposed, "That those words be there inserted."

Sir WILLIAM HARCOURT (Derby): After the expression of opinion by the Chairman of Ways and Means (Mr. Courtney) I think we ought to act upon it. The Amendment proposed by my hon. Friend behind me (Sir George Campbell) is one which might on other occasions lead to a discussion of a useful character; but, as we object entirely to this Bill, it is not expedient to attempt to amend it with a view to reforming the whole of the jury system. I hope my hon. Friend will not press his Amendment to a Division.

Sir GEORGE CAMPBELL: I have no wish to press the Amendment to a Division; I am content to leave it in the hands of the Committee.

The CHAIRMAN: Is it the pleasure of the Committee that the Amendment be withdrawn?

Sir GEORGE CAMPBELL: No; I do not wish to withdraw it, but to leave it in the hands of the Committee.

Question put, and *negatived.*

Mr. T. M. HEALY (Longford, N.): After your expression of opinion Mr. Courtney, I will not move Amendment No. 36 which stands in my name. In regard to Amendment No. 44, I am sorry it should have drawn an expression of opinion from you; but I must say that I think it only reasonable if a prisoner regards his jury with disfavour that he should have the option of being tried by one Judge. There is no Judge so bad but you can put points to him in the full assurance that they will, at any rate, receive consideration; but in the case of a jury composed of 12 Orangemen the circumstances are very different. There is nothing so disheartening as attempting to put points to such a jury. It is like talking to the Treasury Bench. You cannot get them to reply to you except by means of the clôture. I simply propose that, if the prisoner elects not to be tried by the jury which has been empannelled, he shall have the option of throwing on the Judge the duty of trying him. You cannot say that Judges as a class are liable to intimidation. There is a precedent for my Amendment in the last Crimes Act, one of the provisions of which was to the effect that three Judges should act without the option of a jury, and without any intervention from the prisoner himself. It is an entire misnomer to call this body a jury; you ought to call it a trap-door or something of that kind. It is not a jury; it is 12 Orangemen. Under these circumstances, I submit that the prisoner ought to have the option of trial by one man of intelligence. The Judges are, at all events, paid to be intelligent, while the jurymen are not. Indeed, in the majority of cases, the jury are brought forward and selected as partizans; and yet after a prisoner has been convicted by them you will have the supporters of the Government going round and saying that he has been convicted after due processes of the law, and is, therefore, proved to be guilty. Nobody in Ireland will believe that prisoners convicted before such tribunals are guilty. If the prisoner says, "I ask to be tried by the Judge," then he will have been tried by his own tribunal. I do not assert that a prisoner in Ireland would often adopt this mode of procedure; for, as a rule, the Judges are distrusted. But we believe that there are some fair Judges in Ireland. For instance, there is the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes). He is most unfair in this House, but I would much rather be tried by him than by several of the present occupants of the Irish Judicial Bench. We shall doubtless be met by the argument that the responsibility ought not to be put on the Judge, and that, if that was so, the Judge must resign and sacrifice an income of £3,500 a-year. Well, let the Judges resign. There are plenty of men at the junior bar who would throw themselves into the breach. At any rate, there will be no lack of Judges to carry out this Amendment, which, in my judgment, is one that ought to be passed. The prisoner ought to have some alternative presented to him, instead of that of being tried by an Orange tribunal which might be composed of 12 agents or 12 landlords.

Amendment proposed,

In page 3, line 14, after "jury," insert,—"Provided, that if such special jury shall have been empannelled, the defendant may elect not to be tried by such jury, and the trial shall proceed then and there before the Judge sitting to try the case, whose finding shall be as effectual, to all intents and purposes, as would have been the finding of the jury before which the prisoner elected not to be tried."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The hon. and learned Gentleman must see that the result of the Amendment would be entirely to undo the procedure in respect of special juries. Instead of giving the prosecution the power of having a special jury, it would enable the accused person to say that the case should not be tried by a special jury at all, but by the Judge without a jury. I do not mean to say that if this Amendment were passed Judges would not do their duty, or that under certain circumstances it would not be an advantage to have a criminal case tried by Judges; but I can hardly imagine a more extraordinary proposal than the one we have got here. In the first place, the accused person is to see the jury empannelled——

MR. T. M. HEALY: That is the whole point.

MR. HOLMES: And then, as a last resort, to say that he will be tried by the Judge without the jury. We have discussed this particular clause upon the question of special juries the entire evening, and this Amendment seems to me to be far from the spirit of what we have already done, and cannot be accepted.

MR. MOLLOY (King's Co., Birr): In the course of the evening one of the main arguments on the Treasury Bench has been that the object of the clause is that a fair trial may be obtained, and the Attorney General is given the power under the clause to apply for a special jury in lieu of an ordinary jury. The right hon. and learned Attorney General for Ireland seems to think it extraordinary that if the accused person sees a jury empannelled which he believes is not likely to give him a fair trial he should then ask for what, in his opinion, would be fair; and, for this reason, the right hon. and learned Gentleman thinks the Amendment an extraordinary one. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) this evening drew an analogy between certain cases in the Civil Courts and those under this Criminal Bill; but the right hon. and learned Attorney General must know that in civil actions, if you do not apply for a jury, you are tried by a single Judge—you have to apply for a jury to get one. Therefore, we have it there are cases tried in this country where you may be tried by a Judge without a jury, and these are cases identical with those to be tried under the provisions of this Bill. I cannot see why the Amendment is extraordinary, or one on which there should be any surprise. The Government desires that the Attorney General should have power to change the proceedings in Ireland to obtain a fair trial. The Attorney General is able to see the panel of the common jury before making his selection of the special jury; and why, after the accused has seen the special jury, whom he believes to be a jury not likely to give him a fair trial, is there anything extraordinary, or to be surprised at, that the accused in that case should ask for a trial which would be, in the words of the Bill "more fair?" That which is demanded in this Amendment is that which exists in this country in all civil actions.

MR. CHANCE (Kilkenny, S.): I think it would be gross blasphemy to alter the old form of trial by which a man called to plead put himself on God and the country, and that a prisoner should be called upon to place himself in those words before a special jury. I think it is only fair and reasonable that an Irish peasant should be entitled to appeal from 12 landlords or half-pay captains, their religious and political enemies. This, alone, is sufficient to recommend the Amendment. But we have another reason. In the Act of 1882, that has been so often quoted, it was enacted that a number of crimes specified in the Act should be tried before a tribunal of three Judges selected by the Lord Lieutenant. This is a very strong case in favour of the Amendment, because, under this Amendment, a prisoner would elect of his own accord to go to the Judge. I would rather be tried by the devil himself out of hell than by a jury of 12 landlords.

THE CHAIRMAN: Order, order! The hon. Gentleman must pay more attention to the decencies of debate.

MR. CHANCE: I am quite ready to withdraw the expression; but I merely expressed my opinion that no tribunal is so utterly vile, unjust, and corrupt as a jury of 12 Irish landlords. If that is irregular I regret it, for the sake of the Rules of this House.

MR. DILLON (Mayo, E.): I am not surprised the right hon. and learned Attorney General for Ireland should refuse the Amendment, nor am I surprised at the reason. We listened at an earlier period of the debate to a statement of the hon. and learned Attorney General for England (Sir Richard Webster) that the Government wanted to give equal rights to the prisoner and the prosecutor; and, if that is so, surely we are met with arguments without a shadow or a shade of ground for them. The right hon. and learned Attorney General for Ireland said it would be unheard of and unusual that the prisoner should have the right, after seeing the jury empannelled, to appeal from that jury to a Judge. But it is not customary in this country to take away the chance of a prisoner by bringing him from his own country and placing him for trial before a class of men inflamed by political passions and then packing a decidedly hostile jury. Therefore, if our proposition is unusual, surely it is much less strained and unusual than the proposition of the Government in this Bill? But what had the right hon. and learned Attorney General for Ireland to say in answer to our statement? Does he mean to say it is a dangerous preference to give to an Irish prisoner to leave his case in the hands of an Irish Judge? Does he not know that nothing but the dire experience we have had of the unscrupulous character of packing juries would have induced us to propose the

Amendment at all? Do the Government adhere to the proposition that when a prisoner considers his case so desperate, and sees the jury box occupied by men who, as I might say, are thirsting for his blood, they would deny to the unfortunate wretch the right of appealing from the jury to the hands of a Judge rather than trust to a jury whose verdict is a foregone conclusion? And, talking of this, I am not trusting to my own judgment, for what did the right hon. Gentleman the Chief Secretary for Ireland say in a previous debate upon this matter? He said in an unguarded moment—I recollect his statement—

> "It is very difficult at present, in the political temper in which Ireland is, to empannel a jury that would give a fair verdict, so high is political passion."

But that is equally true on both sides of the case. What he admittted was, that political passion ran so high on both sides that no matter what side you took the jury from the verdict was a foregone conclusion; and, that being his contention, you deny the right to the prisoner of appealing to the Judge. I say in this as in many other discussions in regard to which complaint is made of prolongation, that they are prolonged because we are not met fairly; we are denied the concession we ask; but no argument is brought forward why it should be denied us. The right hon. and learned Attorney General did not give a single reason for denying it, and we are met simply with flat denial.

Mr. MAURICE HEALY (Cork): It is very hard to please the Treasury Bench in drawing up Amendments. Sometimes we venture to pass strictures upon the occupants of the Judicial Bench, and we are then met with rebukes; but when we draw up an Amendment that would enable a prisoner in certain cases when put upon his trial to elect to be tried by a member of the Judicial Bench in Ireland we are told that the Judicial Bench is not considered good enough to perform such a duty. What we claim is this—that when a prisoner saw the jury box packed with 12 persons whom he knew would convict him, he should have the right of saying—"I will not be tried by a gentleman on the jury; I will be tried by the Judge who is sitting before me, and in whom I have more confidence than in the 12 gentlemen on the jury." The right hon. and learned Attorney General seemed to imagine there was something unheard of and extraordinary in the notion that a prisoner should have that right; but I cannot see anything extraordinary at all in it. What are the facts? Why do the Government tell us that they have no confidence in the existing tribunal? Because, they say, the common jurors in Ireland either sympathize with the class of crime, or are intimidated from bringing in just and impartial verdicts. No charge of that kind can be made against the members of the Judicial Bench; and, it cannot be alleged that the Government have no confidence in the members of the Judicial Bench; and, that being so, I ask what good reason can be given for denying the prisoner this small privilege of appealing, as I may call it, from a jury formed of 12 of his enemies to a member of the Irish Judicial Bench? I cannot see anything so extraordinary in the proposal. We have already had a precedent in English legislation for handing over trials of this kind, not to one Judge, but to three; and, that being so, I do not think this Amendment is open to the charge that is made in respect of it. It really seems, no matter what is the character of the Amendment, if it is proposed from this quarter of the House the Government are determined to oppose it, and to take a negative attitude, no matter how reasonable it may be.

Question put.

The Committee *divided*:—Ayes 101; Noes 227: Majority 126.—(Div. List, No. 196.)

Mr. A. H. D. ACLAND (York, W.R., Rotherham): I was glad to hear your ruling a short time ago, Mr. Courtney, because had it not been for such ruling the important question of what is sometimes called jury packing could not have been raised now; indeed, it could not have been raised during the discussion on any part of this Bill. This is a Bill to amend the Criminal Law, and it is, also, a Bill which is to be of a permanent character. It surely would be almost a scandal that a point of this kind should not be subjected to at least a brief discussion. This Amendment seems to me to be specially important because you have a limited class of jurors in any case, and it would be a very small concession to make that the Crown and the accused person should stand on a level in the matter of challenge. Now, the comparison of England has often been made, but everybody knows that the practice of making jurors stand aside in England is on a totally different footing altogether from what it is in Ireland. Even the Government organs in Ireland have said that trial by jury for political or *quasi*-political offences is a sort of make-believe and pretence, and often jurors have petitioned in favour of an amendment of the law. We know that after a recent case at Sligo the non-Catholic jurors petitioned in favour of an amendment of the law, declaring that the present state of things tends to promote social discord. The real point is that, considering the limited number of jurors which the Government have to deal with in this case, they might reasonably make an exception. Probably, as the qualification is so high, it would be but few who would be affected in this particular way, but still it would be worth while to modify the law in the way I suggest. We have been told that the object of this clause is to secure a fair trial, and we may simply ask the Government, do they intend to remove, as they may by this small concession, what is a scandal, and what has been a scandal for years in Ireland, besides being a cause of constant irritation; will they grant this small concession in favour of the poorer class of the Irish people who may be prosecuted under this Act, and whose interests they are constantly telling us they desire to serve? I beg to move the Amendment which stands in my name.

Amendment proposed,

In page 3, line 14, after "jury," add, "Provided always, that upon the trial of any person under this section, the Crown shall not have the right to require any juror to stand aside, but shall be entitled to challenge peremptorily six jurors if the trial be for a misdemeanour, and twenty jurors if the trial be for a felony or treason."—(*Mr. A. H. D. Acland.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): It is impossible for us to accept this Amendment. We could very well understand an Amendment of this kind being proposed if we were discussing a general Jury Bill; but, as we have said over and over again, we ask the House to enable us to have a special jury under the circumstances that are mentioned in this particular clause, but we do not profess to reform generally trial by jury. The law in England and Ireland, with reference to the power of the Crown to order jurors to stand aside, is precisely the same. The Crown has the right, under the Common Law, to exercise this right until the panel is exhausted. That is a power which has been exercised by successive Attorney Generals most fairly and most justly. In moving this Amendment the hon. Member (Mr. A. H. D. Acland) appears to assume that this power has been exercised in an improper way. I deny that assertion altogether. This power has never been exercised in Ireland in later times except with the object of getting a fair and impartial jury to try a case, and the result of the exercise of the power has been to get fair and impartial jurors. ["Oh, oh!"] Hon. Members opposite may say "Oh, oh!" and may jeer; but I ask them, in what particular case was a jury empannelled by any person representing the Crown in Ireland that acted unfairly towards a prisoner? I know that in this House many cases have been cited by hon. Members below the Gangway opposite; but it has been shown again and again that the juries found verdicts in pursuance of the charges of the learned Judges, and that there was ample evidence to sustain the verdicts. If this power has been exercised as far as the memory of man goes back fairly and justly, and if the result of the exercise of this power has been to empannel juries of fair and impartial men, it is as well that the right should be retained.

MR. ANDERSON (Elgin and Nairn): Of all the extraordinary answers which have been given by the Government in the course of these discussions, I think the answer just given by the right hon. and learned Gentleman the Attorney General for Ireland is the most extraordinary. This clause makes the greatest change that has ever taken place in the history of this country in regard to trial by jury. Perhaps the right hon. and learned Gentleman is not aware that this is a clause which materially affects the clause in Magna Charta as to trial by jury. I ask the attention of the Attorney General for England to this point. I have always understood that the clause in Magna Charta referring to trial by jury means that a man shall be tried by his equals. Now, this clause distinctly proposes trial which is not trial by a man's equals. I am truly astonished at the reception which has been accorded this Amendment by the Attorney General for Ireland. I have no doubt that before long we shall hear cases cited of miscarriage of justice at the hands of special juries in Ireland, of whom the Attorney General for Ireland speaks so favourably. I have not sat very long in this House, but I have heard many cases cited in which it is quite clear special juries in Ireland have acted unfairly and partially.

Mr. T. M. HEALY (Longford, N.): I think it is quite evident the Committee is absolutely unaware of the state of the facts in Ireland. The Government seem to want not trial by special jury, but trial by the *residuum* of the special jurors. In the first place, the Lord Lieutenant is empowered to take what panel he likes. In the Act of 1882 he had to take 200 men, and out of that number find 12 men. Practically, the challenges were of a limited character; but even under that section the Crown challenged, at the trial of Joseph Poole, 70 men, and one juryman said afterwards, when he asked, "Why did you commit Poole when you knew he was innocent?" said, "Why, we should have convicted him had it been proved he was in Australia." At the trial of Michael Welsh 40 jurors were challenged, and I defy any man who reads the evidence of the trial to say there was sufficient evidence to hang a cat on. Michael Welsh did not understand the language in which the evidence was given. The evidence was translated by a policeman, and Welsh went before his God protesting in the only language he understood his innocence. In the Maamtrasna case anyone would have convicted on the evidence; it was proved afterwards, however, that the evidence was perjured. I always said the jury acted properly on the evidence, but in that case you challenged an extraordinary number of men to try and convict men whom we believed to be innocent. Take the case of the Crossmaglen prisoners; we are told the jury followed the direction of the Judge. Nothing of the kind; they followed it when it was in favour of conviction. Judge Lawson, one of our greatest foes, charged the jury in the case of one man, named Bernard—I cannot recall his surname—in favour of an acquittal, but the jury convicted the prisoner. Lord Spencer released the man after six weeks. In the case of a man, named Geoghan, the jury did not follow the direction of the Judge. The challenges in this case were enormous. To tell me that you ought to have the right to reduce the panel to a *residuum* is absurd. In the County of Kerry, the most disturbed district in Ireland, you have only 200 special jurors. That shows how limited the character of the class of special juries is; one man in 30 is a special juror, and in the face of this limited, select, primrose class you are still to have the power of cutting the panel down by the system of unlimited challenge. I am told this is English law. If it is English law it is not English practice, and we want the English practice. It is unfair to this House to say that we are getting English law in this matter. In the face of the facts, can you wonder if by-and-bye what you call law is not respected? No jury was ever packed or found fault with for convicting a prisoner until the Crimes Act was passed. Under that Act you invented a special convicting jury, and then an unfortunate man was cruelly attacked near his own house, a terrible occurrence which shocked everybody. When you put up 12 men as sub-gods, as men who are to uphold law and order in Ireland; and when it is said to the people, here are your enemies, here are the friends of the Government; when the entire patronage and power of the country is given into the hands of a gang of thieves; when these men are paraded before the crowd, can you wonder that afterwards these men are Boycotted or intimidated? You yourselves are playing for crime in Ireland — you are devising the best method of provoking crime in Ireland. I do not mean to say that crime will take place, because it is impossible to predicate what will happen when one does not know the exact effect on the Irish people of the fact that the great body of the Liberal Party is standing by the Irish nation? If this Bill were being passed under ordinary circumstances, I do not hesitate to say you would have a large crop of crime within a month of its passing; but now the people see they have obtained the sympathy of a large mass of the English people, and in the desire to cultivate still further that sympathy, it may be that you will not have the crime in Ireland which, under other circumstances, you would have. You talk in this matter about special juries, but it is not a special jury after all; it is a jury composed of 12 men selected from the special jurors, and these 12 men the enemies of the people. We offered to go before a Select Committee of our enemies in this House, because we were so satisfied nothing could be proved against us. That was our own option, however. But take the case of a man who is brought up, and knowing this Bill has been passed by the foul combination which enables it to be passed—["Oh, oh!"] I am speaking of the combination of Members—I will say if you like, unholy combination. Take the case of a man who is brought up and who sees 12 men put into the box for the purpose of convicting him. If you have unjust convictions, as you undoubtedly will have, I ask you will it improve the temper of the people? What will be the effect upon the people of carrying a man from one end of Ireland, for instance, to Dublin to be tried, and probably to be convicted? Perhaps the people of his district will not believe him to be guilty. They will be inclined to take the law into their own hands, and then the English people, not knowing the facts, will be terribly surprised to learn that there is crime in the district to which the man belongs. The people of this country will not be able to trace crime to its source; and the occurrence of crime will be used as an additional argument against us. There is no option, under this section, but for the Court to grant a special jury when the application is made for one. You give the prisoner no chance; but you make his conviction as certain as the *fiat* of the Attorney General for Ireland. I say this is a state of things which it would not be possible for the Tory Party to bring about if they had not support upon the Opposition Benches. When the matter comes to be considered soberly the blame of this section will, undoubtedly, be laid not so much at the door of the Tory Party as at the door of the Liberal Unionists, who are the real people who are responsible for the passing of this Bill.

MR. DILLON (Mayo, E.): It is monstrous for the Attorney General for Ireland (Mr. Holmes) to stand up and deliberately assert that the power of packing juries has not been used improperly. Does the right hon. and learned Gentleman not know perfectly well that for the last 30 years the Irish Executive have never failed to use this power in the most improper and indecent way in every political trial? Every man in this House knows it perfectly well. What were the words of *The Dublin Daily Express*, the organ of the landlord party in Ireland, when commenting on this Bill? I can recall the words very well. *The Dublin Daily Express* said—

"This is a time for plain speaking. Trial by jury in Ireland for many years has been more or less of a make-believe, and inasmuch as it is now impossible to have recourse to the various devices by which the Government got satisfactory juries in the past, we must have some new legislation to enable the work to be done."

This is the commentary of *The Dublin Daily Express;* that organ was frank enough—it admitted freely that trial by jury in Ireland had been a make-believe. But the Attorney General for Ireland, when he comes before an English audience, finds it necessary to put on a cloak of decency and respectability, and deny that juries are packed in Ireland. Does he forget altogether how he got one of his own henchmen to prevent a discussion on this question in this House? He challenges us to bring instances in which juries have acted improperly; but when I made an attempt to bring forward instances my mouth was closed—when I had all the evidence in my possession my mouth was closed by the most discreditable trick possible. It was plainly proved to the people of England, who, I venture to say, take my side in the controversy, that the Government dreaded to go into the matter, and that it was manifestly a matter which ought to be fully discussed. You have just heard from my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) of cases in which the juries were shamefully and disgracefully packed against prisoners. Since those cases we have had the Sligo case. Anyone who has looked into that case must have been ashamed of the proceedings. Poor Catholic peasants, who had committed a crime, if crime it was, under great provocation and circumstances of the greatest cruelty, were dragged from their own County of Galway to the Winter Assizes at Sligo, and placed on their trial before juries composed of Orangemen, or composed at least of Protestants; 30 or 40 Catholics were ordered to stand aside for no other reason than that they professed the same religion as the prisoners. No effort was made to explain away or defend such action on the part of the Crown. The Attorney General for Ireland may say that the verdicts returned were true verdicts; but I venture to affirm that if such proceedings as took place at Sligo took place in England, Scotland, or Wales, no jury would convict. Every political case in Ireland is made an occasion for jury-packing. I do not wish to go into particular cases. I might do so at considerable length—my own case would occupy me for an hour and a-half. True, in that case, the Crown failed, but that failure was not due to the fault of the Attorney General for Ireland. He did his best, and no more flagitious case of jury-packing ever took place. He packed the jury openly, and he failed to convict solely because he had not the power to go before a special jury specially drawn, but was obliged to take a common jury of Dublin. He did his best; his conduct on that trial was illegal and disgraceful in the highest degree; and yet he can stand up here and declare that the Crown has never used its power to pack a jury. The Attorney General for Ireland based part of his answer on an extraordinary proposition. He said the Amendment does not naturally grow out of the clause, because we are not proposing to reform the Jury Laws—we are simply dealing with a particular case. The Amendment only deals with particular cases in which you deprive a prisoner of the little protection he has in Ireland. It applies to no other cases. The Amendment does not propose to deal with the whole of the jury system, but only where you take away the little protection a prisoner has in his right to be tried by a common jury in the place where the venue ought to be laid. In this case, and in no other, will the Amendment affect the power of the Crown, which, notwithstanding what the Attorney General for Ireland says, everyone with experience knows is habitually used by the Crown most improperly in Ireland. No matter what the Attorney General for Ireland says about the law in Ireland being similar to that in England it is notoriously not the practice in England, though it is systematically the practice in Ireland. I do not believe the English people would submit for a moment to the packing of juries by the Government as they are packed in Ireland, much less when accompanied by the tremendous power of the change of venue. There is no use in mincing words on this matter. I was perfectly earnest in supporting the last Amendment before the Commitee. The object and purpose of this clause is to place the political opponents of the Government on trial before men who would like to see us all dangling at the end of a rope. We hear this expression of their sentiments from conversations carried on in railway carriages and elsewhere, when they d not know that a member of the National Party is present. It is the truth. It is the talk of dinner tables; they express their feelings in common conversation, and say that if there were a rope round our necks they would like to pull at the other end. Is it reasonable to place us on trial—as we shall be placed on trial if this Bill passes—before men who use such language? Do you really mean to carry out such a system? Do you know what you are doing when you vote for such a clause? I am not exaggerating in the slightest degree when I tell you the effect of the clause. You are giving power to the Government—power they will use—to place us on trial before men who habitually use such language, who would convict us without a shadow of a shade of evidence, who would gladly, to use their own words, hold the end of a rope if our neck were at the other.

Mr. CHANCE (Kilkenny, S.): I recollect hearing some time ago, either from the Attorney General for Ireland or the Chief Secretary for Ireland, a statement that no records were in existence from which the Government could give a Return to the House of the number of jurors challenged in agrarian cases, and I assume that it is in the belief that there is no such record in existence that we have had the statement that there has been no misuse of the power of challenge by the Government. I do not know if the record exists now—possibly it has been destroyed—but I know there was such a record, and I speak from a copy I have when I say that in Green Street in cases, some of them cases of murder and so forth, not bearing any definite political complexion, 60, 70, and in one case 72, jurors were ordered to stand aside, so that a jury might be obtained that could be relied upon for a conviction. In addition, I may mention a fact of which, possibly, the Chief Secretary for Ireland is not aware, that a Government official is known as "Peter the Packer," and is a recognized practitioner in Green Street. Again, I may mention that a brief of the prosecuting counsel in a *quasi*-political trial has been obtained, and contains a list of jurors, and opposite some of the names is written the word "sturdy"—which means, I presume, that the man is reliable for a conviction—and opposite the names of other jurors who were challenged appears the letter "C," and it is a fact that each of these men was a Catholic. It is futile, then, for the Attorney General for Ireland to stand up here, little as some of the Committee know of Irish affairs, and say that the right of challenge has never been abused. The Attorney General for Ireland has some special knowledge and experience of his own in the case of the trial of the hon. Member for East Mayo (Mr. Dillon) and some of his friends for advocating the Plan of Campaign, and I happened to be solicitor for some of the accused; and I may tell the Committee that, while all the accused taken together had six challenges, the Crown directed 28 men to stand aside, and in no single instance did they attempt to show that the juror was unfit for his duty by reason of bias or anything else. Of course, they did not gain a conviction, but it was not the fault of the prosecution. When I asked the question of the Chief Secretary for Ireland he refused to lay on the Table any record of the results of an inquiry I knew had been made as to the politics and qualifications of the gentlemen on the panel. He did not deny there had been such an inquiry. I am sure he would not deny it if he knew it to be the fact. It is known as a fact; and, that being so, the Committee must not be deceived into the idea that these powers have always been exercised in a reasonable spirit. If the Government retain this power to get rid of jurors who are biassed, then they have a very bad case, for there is nothing in the world to prevent a juror being "challenged for cause," and, using the facilities the Crown has to discover the previous record of a juror, there would be no difficulty in proving to a Crown Judge that a certain person was an improper person to be on the jury panel. But I may be reminded that in the prosecution of the hon. Member for East Mayo the Government failed to procure a verdict. I know the reason, and there can be no harm in stating it. There were two jurors of the same name, and pretty much of the same appearance, the one an Orangeman and the other a Catholic. The first juror called was promptly challenged, and while sitting in Court fell into conversation with his neighbour. Mr. Peter, the "Packer," cocking his eye round the Court, settled in his own mind this was the Nationalist; but he was mistaken, the Orangeman being directed to stand aside, the other man being put upon the jury. That is the reason why a conviction was not obtained. As an illustration of the class of men obtained for special juries, I may mention an anecdote or two. I recollect a conversation I had with a gentleman, a constituent of the Attorney General for Ireland. He knew me well, and had known me for years. He was a perfectly steady, sober man. I remember that in course of conversation he expressed his abhorrence of farmers who did not pay their rent, and when I asked what remedy he would apply to the state of things he recommended the shooting of the nearest priest, and the flogging of the farmers' wives and daughters. It is men of that stamp who get on the special jury panel of Dublin. Another anecdote I had from a counsel who prosecuted, of a man who was convicted of a murder upon evidence which, in the opinion of the counsel—a Conservative, a constituent of the Attorney General for Ireland, no friend of ours, Dr. Webb—was of the most flimsy character. He asked a juror how he could possibly convict a man on such evidence, and the juror replied he did not care a straw about the evidence; that he convicted the man for the purpose of making an example; and a second juror said that he was prepared to convict him if it had been proved the man was in America when the murder was committed. These are the jurors upon whom the Crown place reliance, and when I state these things on my own knowledge, or on the statement of a gentleman, no friend of ours, I ask the Committee to judge whether the Crown ought not to be required to show cause why a man should not be on a jury. They have Judges not unfavourable to them. Why, when you take the unfortunate peasant prisoner away from his peers to be tried by landlords, why not extend to him that fair play you always allow to a prisoner in England, challenging man for man until the six are exhausted, and then show cause why a juror should be excluded? Bad as the law is in Ireland, nothing can alienate the people more from it than to see the Crown thus playing with loaded dice. I trust we may get some support even from Members on the other side, and if we cannot break the silence on the other side, and get some reasons for the support of the clause, that they will follow us into the Lobby.

Mr. O'DOHERTY (Donegal, N.): Looking at the Returns that show each county and city special jury, I find that the statements of hon. Members who have supported the Amendment do not exaggerate the species of selection that goes on in Ireland. The agrarian question in Ireland is not a question of six or of 10 years old; it was strong in Ireland in 1872, when the Jury Act was passed; and I ask the attention of the Committee now to the distinction there drawn, in order to let them see what in 1872 was done for the purpose of preventing small farmers from having positions on juries. It shows that it was in the contemplation of the Government that the administration of justice should be in their hands. The qualification for common jurors is freeholders of £10. For leaseholders likely to fall into the hands of landlords it was doubled; but if a man might possibly have a leaning towards the tenant if he was not freeholder or tenant on lease, if he was a tenant from year to year, then the qualification was £40. This is with regard to common juries, and that is the class of persons that would be peers to the persons usually to be tried. But common juries are, under the Act of 1872, special juries with respect to persons charged with agrarian offences. To the special jury, as constituted under the Act of 1872, comes a Proviso, inserted at the instance of the late Lord O'Hagan, by which the qualification of a special juror is in some cases four, in some cases five times as much as the highest qualification of a freeholder. In Antrim, where a freeholder of £10——

The CHAIRMAN: The hon. Member is scarcely keeping to the Amendment before the Committee.

Mr. O'DOHERTY: I certainly would not have gone into this if I were not going to make my point, that there has been a process of selection going on to the absolute exclusion of all persons the Crown could have reasonable objection to; and, therefore, there is no claim by the Crown to an unlimited right of challenge. Step by step I was going to show, though, perhaps, rather tediously, how this had been done, and, in that sense, was referring to the origin of the Jury Act in Ireland. As I said at an earlier period in this Committee, the passing of the Jury Act was in consequence of the Sheriffs empannelling creatures of their own, and a self-working panel was established; but the effect has been that special juries are now prepared to try certain offences from among the very men whom the Sheriffs, when they had the power, selected. It is a modest proposal to ask that the Crown Prosecutor shall have the right of challenge limited to this specified amount in cases where there is no question of the juror being biassed, or disqualified by prejudice. If the hon. Member had proposed that the right of challenge should be unlimited on the part of the accused, and limited on the part of the Crown, he would have appealed with strong reason to the sympathies of fair-minded men; but when he asks that there shall be the same right on either side, then, having regard to the history of juries in Ireland, to the process of selection that has gone on, and to the manner in which the right of challenge has been abused, it is a modest and reasonable proposal. I would ask the Committee to remember this—that if ever a question arises between landlord and tenant to be decided by civil action before a Judge and jury, counsel invariably recommend the landlord by all means to serve notice for a special jury, saying that is the way to try agrarian disputes by civil action. Now, if they are to get this for the trial of criminal cases, nothing has ever been passed in any Coercion Bill so completely reversing all my ideas of fair play as to allow this unlimited right of challenge in addition to allowing these special juries.

Question put.

The Committee *divided*:—Ayes 90; Noes 218: Majority 128.—(Div. List, No. 197.)

Question proposed, "That Clause 3 stand part of the Bill."

Mr. PICTON (Leicester): I certainly do not intend to occupy the time of the Committee at this late hour (12.35); but in one word I desire to say, before this clause passes, that I protest against it most earnestly, in the name, at any rate, of one part of the United Kingdom—of my own constituency. They, I know, feel that a clause like this will remove trial by jury from the influence of the average opinion of a district and place it in the hands of the landlord class. We are, by this clause, removing trials for alleged offences in a proclaimed district from the jurisdiction of the average opinion of that district, and are putting them within the jurisdiction of average landlordism, which is, in other words, the average opinion of a particular class. How we can expect to produce peace and contentment in Ireland by imposing upon the people of that country a measure which we should not tolerate ourselves without insurrection by violence surpasses my comprehension. Never in the history of this country has any such oppressive law been passed without producing a spirit of violent rebellion; and if it does not produce this in Ireland, it is only because of the extreme smallness of the population, and the disarmed weakness of the people. On these grounds I most earnestly protest against the passing of this clause.

Mr. T. M. HEALY (Longford, N.): I wish, Sir, to suggest to the Chief Secretary, as he was out of Order in making a statement upon this clause earlier in the Sitting, that perhaps he would like to make it now. He would be perfectly in Order now. He may not be aware of that fact; therefore I rise for the purpose of letting him know.

Question put.

The Committee *divided*:—Ayes 211; Noes 83: Majority 128.—(Div. List, No. 198.)

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour) (Manchester, E.): I beg to move, Sir, that you do now report Progress, and ask leave to sit again.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. A. J. Balfour*,)—put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

MOTION.

—o—

EAST INDIA AND CHINA MAIL CONTRACT.—RESOLUTION.

Motion made, and Question proposed,

"That the Contract dated the 18th day of March 1887, for the conveyance of the East India and China Mails, be approved."—(*Mr. Jackson.*)

Dr. CLARK (Caithness): I beg, Sir, to move the adjournment of the debate. At this late hour (1 o'clock), as many Members, I understand, wish to speak upon this subject, it would be very inconvenient to proceed.

Motion made, and Question, "That the Debate be now adjourned,"—(*Dr. Clark*,)—put, and *agreed to.*

Debate *adjourned* till *Thursday.*

ORDERS OF THE DAY.

—o—

FIRST OFFENDERS BILL.—[Bill 189.]

(*Mr. Howard Vincent, Lord Randolph Spencer Churchill, Sir Henry Selwin-Ibbetson, Mr. Hoare, Mr. Addison, Mr. Hastings, Mr. Lawson, Mr. Molloy.*)

CONSIDERATION. THIRD READING.

Order for Consideration, as amended, read.

Motion made, and Question, "That the Bill, as amended, be now considered,"—(*Mr. Howard Vincent*,)—put, and *agreed to.*

Mr. SPEAKER: Are there any Amendments?

Mr. HOWARD VINCENT (Sheffield, Central): No.

Mr. T. M. HEALY (Longford, N.). Sir, we have got Ireland excluded from this measure; but I have not the smallest doubt when this admirable Bill reaches the House of Lords there will be an application to re-insert Ireland, as is always done in such cases. I wish to ask the Government and the hon. Gentleman opposite (Mr. Howard Vincent) whether, when this Bill comes back from the House of Lords, they will undertake to remove any such Amendment?

Mr. SPEAKER: Order, order!

Mr. RADCLIFFE COOKE (Newington, W.): Shall I be in Order, Sir, in moving the re-committal of this Bill?

Mr. SPEAKER: The Question has been put, that it be now considered.

Mr. RADCLIFFE COOKE: I was informed by the Clerk at the Table that I could move its re-committal at this stage.

Mr. SPEAKER: The Question now, there being no Amendment, will be that the Bill be read a third time; and upon that Question being put from the Chair the hon. Gentleman can make a Motion.

Mr. RADCLIFFE COOKE: Has the Motion been put from the Chair?

Mr. SPEAKER: I will put that Motion. I will ask the hon. Gentleman in charge of the Bill when he proposes to take the third reading, and on that Question the hon. Gentleman (Mr. Radcliffe Cooke) can make a Motion.

Mr. HOWARD VINCENT: I hope the House will allow the third reading to be taken to-night.

Mr. SPEAKER: It is competent for the hon. Gentleman (Mr. Radcliffe Cooke), when I put that Question, to make a Motion.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. RADCLIFFE COOKE: I hope the House will not now read this Bill a third time; and if it be competent for me to move that it be read a third time this day three months I will make that Motion. But perhaps the simplest course for me to pursue now will be to move the adjournment of the debate, in order that we may have a better opportunity than we can have, at this time of the morning (1.55), of considering this measure. I say "considering" this Bill, because, though it has been read a second time, and has been committed and re-committed, there are, I believe, many Members of this House who voted for it under a misapprehension of what its real effect is. None of us, I think, can have forgotten the incisive speech in which my right hon. and learned Friend the Home Secretary (Mr. Matthews) condemned this Bill, root and branch, when it was brought in. He said that from beginning to end of it there was nothing good; but that, if it were possible, he would, at the request of the promoters, do something to render the Bill as harmless as possible, though he did not hold out much hope that he would be able to render even that small service to its promoters. The Bill subsequently re-appeared in this House, and I suppose that, owing, perhaps, to the pressure of work from which we know the right hon. and learned Gentleman has suffered, he was unable to give the attention to the Bill which he promised the promoters he would endeavour to give; because, while he declared that it was a very harsh measure, and that he would try to remove its harshness, at the same time preserving what he presumed was the object of the promoters, when the Bill came back to this House it was a harsher measure than when it went out of it. But if I give an instance or two in proof of that, perhaps—["Oh, oh!"]—I hope I am not trespassing too much on the time of the House; but it does seem to me that the liberties of a good many people will be affected by this Bill, and it does seem to me that we are at liberty to discuss it, although there is another Bill on the Orders which other hon. Members wish to consider. The object which the promoters of this Bill have in view is to reform persons who, for the first time in their lives, commit some criminal act—an act of so trivial a character, and committed under such circumstances, that the Court before whom they are tried and convicted may think that justice would be done and the interests of society satisfied by releasing them at once without any punishment. This is the class of offenders intended to be reclaimed by this Bill, and the way in which the promoters of this Bill propose to reform these offenders is by subjecting them afterwards to provisions to be found in the most stringent Act on the Statute Book. ["No, no!"] Somebody says "No, no!" I do not know whether he has read that Statute. It is a Statute against hardened criminals—the

Prevention of Crime Act of 1871, with the amending Act of 1879. That Statute provides that these criminals shall report themselves to the police—that they shall from time to time—every month—send in a report of their residence, where they are, and shall altogether be kept under the thumb of the police for a considerable period. What, in point of fact, the Legislature said in the Act of 1871 to the criminals is, in effect, this—"You are such a hardened criminal; you have been so often convicted; your offence now is of such a grave character, that not only must you be severely punished, but since the only associates you have belong to the criminal classes, society must be protected against you after the sentence we have passed upon you expires, and therefore we impose on you police supervision." What the promoters of this Bill say to first offenders is, in effect, this—"You are not a hardened criminal; you have not been convicted before; your offence is so trifling that we are going to let you out without any punishment at all; your associates are not criminals; society does not require to be protected against you; therefore we will subject you to police supervision"—and police supervision of a much severer character than that imposed by the Act of 1871. I wonder whether my right hon. and learned Friend below me (Mr. Matthews), who said the Bill was too stringent when it was first introduced, has ever read it and compared it with the Bill of 1871. The hon. Member for Central Sheffield (Mr. Howard Vincent) cannot have compared the two. In the Act of 1871 there is a regulation that prescribes that a person under police supervision shall report himself every month to the police authorities, but it is only the males who have so to report themselves. The Legislature shrank from imposing this in the case of women; but when the promoters of this Bill introduced it, in what form did they introduce it? They introduced the provision of the Act of 1871, including the exception; but when the Bill re-appeared in the House it no longer contained the exception. Consequently, under the measure as it now stands, a young woman—some domestic servant, for example, discharged—who, for some trifling act of misconduct, has been tried, convicted, and, in order that she may go into service again and reform her character, might be compelled to do that which the Legislature in 1871 shrank from imposing on the most hardened criminals of her sex. Men in this House have voted for this Bill under the impression they were voting for an act of mercy. An hon. Friend who was beside me just now said he would support me; perhaps he is in another part of the House. [*A laugh.*] The hon. and learned Attorney General laughs, but I do not think it is a very laughing matter.

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): I assure the hon. Member I did not laugh.

Mr. RADCLIFFE COOKE: It was a sound, then, that I mistook for laughter; but I have no doubt he will see the justice of my remarks, as he is fully acquainted with the effect of the various Statutes upon the subject. Another reason why we should adjourn this debate and have an exhaustive discussion upon the third reading is, that the Bill professes to create a class of amateur authorities, responsible to no one, and over whom there is no control whatever, and upon whose report the first offender may be subject to at least a year's imprisonment with hard labour. That is a power which should not be entrusted to such an authority. If hon. Members look at the 1st clause, Sub-section 3, they will see that not merely may the Court order the offender to report himself to such authority, but that such authority may delegate his power to someone nominated by himself. That is to introduce a new principle into our English law, and to create an authority that ought not to be created. And what is the Bill to do; what is the necessity and reason for it? The hon. Member for Central Sheffield has done me the honour of communicating with me on several occasions, though I regret to say that, owing to some action on his part, I found it my duty to lay this matter before the House. I thought I should have had an opportunity of going into the matter in Committee. The hon. Member assured me, before breaking up for the Whitsuntide Recess, that he did not intend to go on with the Committee until well after Whitsuntide; but on the 21st of last month my hon. Friend took it in Committee and passed it through Committee, after I was fully assured by him that it was not to be taken. I ought to have been here during the Committee. ["Hear, hear!"] Yes; well, I was asleep. I relied on the assurance given me by the hon. Gentleman; and after sitting up until 4 o'clock in the morning every day that week I went into the Reading Room and fell asleep. When I asked the hon. Member afterwards when he would put it down for third reading, he said he would, if he could, put it down for some day when I could not be present, or when I was not likely to be present. I have gone through sufficient points now to show the House why we ought not rashly, and without further discussion, to pass this Bill to-night. There are other points which I could go into—some of them very serious. The whole policy of the Bill is a complete reversal of what I think the sensible and reasonable policy of our present law. What happens now? When first offenders have been tried and convicted, and their faults are of such a character that the Court thinks they should be let out, they are let out on their own recognizances to come up for judgment when called upon. Does the hon. Gentleman think that proceeding is a failure? For my part, I think it a great success. Everyone who has any acquaintance with our Courts knows that when a prisoner is discharged, to come up for judgment when called upon, the Judge addresses him thus, and says—"John Smith, the effect of this is that you will now be discharged. If you behave yourself well, and lead henceforth an honest and respectable life, you will hear no more of this." And, as a rule, no more is heard of this man; he sinks into the mass of respectable fellow-subjects. The law thinks it is better he should so sink, rather than be perpetually harassed afterwards by police supervision. The policy of the promoters of this Bill is the exact reverse of the policy of the present law; it would result in preventing them from becoming respectable persons again. I now beg to move the adjournment of the debate.

Motion made, and Question, "That this Debate be now adjourned,"—(*Mr. Radcliffe Cooke,*)—put, and *agreed to.*

Debate *adjourned* till *Thursday.*

Mr. Radcliffe Cooke

DEEDS OF ARRANGEMENT REGISTRATION BILL.—[BILL 231.]

(*Sir Albert Rollit, Sir Bernhard Samuelson, Mr. Howard Vincent, Sir John Lubbock, Mr. Coddington, Mr. Lawson.*)

COMMITTEE. [*Progress 20th May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 11 (Debtors' Act, 1869, to apply in certain cases).

The ATTORNEY GENERAL (Sir **Richard Webster**) (Isle of Wight): When this Bill was first submitted to me I had not sufficiently considered the provisions of this clause. Since then I have had the opportunity of doing so, and, on the whole, I think the proposed alteration of the law is too severe, and, therefore, that this clause must be omitted. It depends upon the non-registration of a deed, and, in my opinion, it is too severe a step to make it a criminal offence when credit is obtained simply because some legal step has been omitted; and I therefore beg to move the omission of the clause.

Amendment proposed, to leave out Clause 11.—(*Mr. Attorney General.*)

Mr. MUNDELLA (Sheffield, Brightside): The proposition may be too severe—I do not venture to say it is not; but does the hon. and learned Attorney General mean there is to be no penalty whatever for obtaining credit after a man has passed away his property by a deed? [Sir **Richard Webster**: Not registered.] Not registered! but he has got rid of his property and business, and obtains credit by what is practically a fraud. It was to prevent the obtaining credit in this way that the clause was allowed to be introduced in this form. All the Chambers of Commerce attach some weight to it; and, therefore, to omit the clause altogether and put in no other I think is rather more than can be expected.

Sir RICHARD WEBSTER: I am sorry I did not explain myself fully. This clause really would not effect what the right hon. Gentleman desires. I agree with him that this system of obtaining credit when a man has passed away his property should be stopped; but that will be dealt with under the Bankruptcy Law. This is where a man has obtained credit when he has not registered a deed. The object of the Bill is to secure registration of such deeds, and if you are going to deal with the general offence of obtaining credit you should deal with that under some general Bankruptcy Law, and not in a Bill in which you say that in order to make the deeds valid they shall be registered.

MR. CHANCE (Kilkenny, S.): The effect of not registering a deed is that you do not disclose it; non-discovery pure and simple is not either false pretence or fraud; but if this clause were passed, a creditor, who was assured of the existence of a deed, could, on a technical point, though the deed was discovered, obtain a conviction for misdemeanour. Undoubtedly we are in a difficulty, because there is no trick more common nowadays than for people to settle with creditors behind the back of the public, and then come and get credit; but I should think that a clause that would render these arrangements void, and compel them to pay creditors in full, would be sufficient to meet that. I think it would be highly improper to create an offence of this kind. If it is to be done, it should be done in some general Bill; therefore I shall support the Motion for the omission of the clause.

SIR ALBERT ROLLIT (Islington, S.): This clause was inserted in consequence of a Resolution carried unanimously by the Chambers of Commerce; but I think I am correct in saying that in the Bill, as originally framed, there was no such clause. Seeing that objection is now taken to it by the Attorney General on behalf of the Government, and, as I am told it cannot possibly be conceded, I feel I must not press the point.

Amendment *agreed to.*

Clause *struck out.*

Clauses 12 and 13 *agreed to,* with verbal Amendments.

Clause 14 (Local registration of abstract of deeds).

MR. MAURICE HEALY (Cork): I have an Amendment to the clause. In page 4, line 40, at the end of Sub-section 2, I beg to move the insertion of the words—"This section shall not apply to Ireland."

Amendment proposed, in page 4, line 40, at end of Sub-section 2, insert the words—"This section shall not apply to Ireland."—(*Mr. Maurice Healy.*)

Question, "That those words be there inserted," put, and *agreed to.*

Question, "That the Clause, as amended, stand part of the Bill," put, and *agreed to.*

Clause 15 (Affidavits).

On the Motion of Mr. ATTORNEY GENERAL, the following Amendments made:—In page 5, line 3, after "any," leave out "Commissioners," and insert "person;" and in page 4, line 42, leave out from "Master of," to "or before," in page 5, line 3, and insert "the Supreme Court of Judicature in England or Ireland."

On the Motion of Mr. CHANCE, the following Amendment made:—In page 5, line 4, to leave out "Court," and insert "Courts."

Amendment proposed, in page 5, line 4, after "Judicature," insert the words "Ireland or England."—(*Mr. Chance.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): I think that is rendered unnecessary by my Amendment just passed.

MR. CHANCE (Kilkenny, S.): I do not think so, as I think the hon. and learned Gentleman will find by reading on to the context.

SIR ALBERT ROLLIT: May I, as a mere matter of drafting, venture to suggest that it should read "England or Ireland?" This will conform to other clauses.

Amendment *amended,* and, as amended, *agreed to.*

Clause, as amended, *agreed to.*

Clause 16 (Fees).

On the Motion of Mr. ATTORNEY GENERAL, the following Amendments made:—In page 5, line 13, after "1875," insert "as regards England, and the eighty-fourth section of 'The Supreme Court of Judicature (Ireland) Act, 1877,' as regards Ireland;" and in line 14, leave out "this section," and insert "these sections respectively."

Clause, as amended, *agreed to.*

Clause 17 (Rules).

On the Motion of Mr. ATTORNEY GENERAL, the following Amendment made:—In page 5, line 19, leave out "and regulations."

On the Motion of Mr. CHANCE, the following Amendment made:—In page 5, line 20, after "1881," insert "as regards England, and 'The Supreme Court of Judicature (Ireland) Act, 1877,' as regards Ireland."

Clause, as amended, *agreed to.*

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): I think the Committee will remember that Clause 4 was postponed for the purpose of drafting the new clause which I now propose to substitute. It is practically the same, with the difference that in the original clause there is a mixing up of the enacting and interpreting part, and it was suggested that these would be better divided into two clauses, a course which recommended itself to the promoters. It was suggested by those who consulted me, and I do not think there is any objection to the new clause. It explains that the Act should include only deeds executed by a debtor for the benefit of his creditors, and by changing the language of the fifth line I have put this beyond doubt; and, save this alteration, the clause is the same as the original Clause 4.

On the Motion of Mr. ATTORNEY GENERAL, Postponed Clause 4 *omitted.*

New Clause:—

(Application of Act.)

"(1.) This Act shall apply to every deed of arrangement as defined in this section executed after the commencement of this Act."

(Deeds to which the Act applies.)

"(2.) A deed of arrangement to which this Act applies shall include any of the following instruments, whether under seal or not, executed by, for, or in respect of the affairs of a debtor for the benefit of his creditors generally (otherwise than in pursuance of the Law for the time being in force relating to bankruptcy), that is to say:—

"(a.) An assignment of property;

"(b.) A deed of or agreement for a composition; "And in cases where creditors of a debtor obtain any control over his property or business:—

"(c.) A deed of inspectorship entered into for the purpose of carrying on or winding up a business;

"(d.) A letter of license authorising the debtor or any other person to manage, carry on, realise, or dispose of a business with a view to the payment of debts; and

"(e.) Any agreement or instrument entered into for the purpose of carrying on or winding up the debtor's business, or authorizing the debtor or any other person to manage, carry on, realise, or dispose of the debtor's business, with a view to the payment of his debts."—(*Mr. Attorney General,*)

—*brought up,* and read a first and second time, and *added* to the Bill.

On the Motion of Mr. ATTORNEY GENERAL, the following Amendment made:—In page 5, after Clause 17, insert the following Clause:—

(Interpretation terms.)

"In this Act, unless the context otherwise requires,—'Court or a Judge' means the High Court of Justice and any Judge thereof; 'person' includes a body of persons corporate or unincorporate; 'prescribed' means prescribed by rules to be made under this Act; 'property' has the same meaning as the same expression has in 'The Bankruptcy Act, 1883;' 'Rules' includes forms."

Schedule.

On the Motion of Mr. ATTORNEY GENERAL, the Schedule *struck out* of the Bill.

Preamble.

MR. CHANCE: The Preamble requires some slight amendment, owing to the omission of the Schedule that has just passed.

On the Motion of Mr. CHANCE, the following Amendments made: — In page 1, line 2, leave out the word "trader;" and in line 4, leave out the word "Act," and insert the words "Acts in England and Ireland."

Preamble, as amended, *agreed to.*

Bill *reported;* as amended, to be considered upon *Monday* next, and to be *printed.* [Bill 283.]

MOTIONS.

—o—

OYSTER AND MUSSEL FISHERIES PROVISIONAL ORDER BILL.

On Motion of Baron Henry De Worms, Bill to confirm an Order made by the Board of Trade, under "The Sea Fisheries Act, 1868," relating to Poole (Wareham Channel), *ordered* to be brought in by Baron Henry De Worms and Mr. Jackson.

Bill *presented,* and read the first time. [Bill 279.]

LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 5.) BILL.

On Motion of Mr. Long, Bill to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Chesham and Hindley, the City of Norwich, and the Richmond and West Kent Main Sewerage Districts, *ordered* to be brought in by Mr. Long and Mr. Ritchie.

Bill *presented*, and read the first time. [Bill 280.]

LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 6) BILL.

On Motion of Mr. Long, Bill to confirm certain Provisional Orders of the Local Government Board relating to the City of Bath, the Local Government Districts of Birstal and Dalton-in-Furness, the City of Newcastle-upon-Tyne, and the Borough of Southport, *ordered* to be brought in by Mr. Long and Mr. Ritchie.

Bill *presented*, and read the first time. [Bill 281.]

LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 7) BILL.

On Motion of Mr. Long, Bill to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Blackpool, the Improvement Act District of Bournemouth, the Borough of Dewsbury and the Local Government District of Heckmondwike, and the Improvement Act Districts of Milford, Rhyl, and West Worthing, *ordered* to be brought in by Mr. Long and Mr. Ritchie.

[Bill *presented*, and read the first time. [Bill 282.]

LAW AGENTS (SCOTLAND) ACT (1873) AMENDMENT BILL.

On Motion of Mr. J. B. Balfour, Bill to amend "The Law Agents (Scotland) Act, 1873," *ordered* to be brought in by Mr. J. B. Balfour, Sir Lyon Playfair, Dr. Cameron, Mr. Haldane, and Mr. Edmund Robertson.

Bill *presented*, and read the first time. [Bill 284.]

INTERMEDIATE EDUCATION (WALES) (NO. 2) BILL.

On Motion of Mr. Mundella, Bill to promote Intermediate Education in Wales, *ordered* to be brought in by Mr. Mundella, Mr. Osborne Morgan, Mr. Richard, Sir Hussey Vivian, Mr. Rathbone, Mr. Stuart Rendel, and Mr. William Abraham.

Bill *presented*, and read the first time. [Bill 285.]

House adjourned at a quarter before Three o'clock.

HOUSE OF COMMONS,

Wednesday, 8*th June*, 1887.

MINUTES.]—Public Bills—*Committee*—Criminal Law Amendment (Ireland) [217] [*Fourteenth Night*]—R.P.

Provisional Order Bills — *Ordered* — *First Reading*—Local Government (No. 8) * [286]. *Second Reading*—Tramways (No. 2) * [271].

PRIVATE BUSINESS.

MANCHESTER SHIP CANAL BILL.

MOTION FOR LEAVE. FIRST READING.

Mr. HOULDSWORTH (Manchester, N.W.): I beg to move—

> "That the Standing Orders be suspended, and that leave be given to bring in a Bill to enable the Manchester Ship Canal Company to raise a portion of their capital by means of preference shares, and that Mr. Houldsworth, Mr. Jacob Bright, Sir James Fergusson, Sir Henry Roscoe, the Honourable Alan de Tatton Egerton, Mr. Addison, and Mr. Elliott Lees do prepare and bring it in."

Mr. WHITLEY (Liverpool, Everton): I object to the Motion.

Mr. SPEAKER: This is not a stage of a Bill, as the hon. Gentleman will perceive; but it is only a Motion for the suspension of the Standing Orders. When the Question is put, the hon. Member can take any action in regard to it which he thinks proper, but he cannot secure the postponement of the Motion by simply objecting to it.

Motion made, and Question proposed,

> "That the Standing Orders be suspended, and that leave be given to bring in a Bill to enable the Manchester Ship Canal Company to raise a portion of their capital by means of preference shares, and that Mr. Houldsworth, Mr. Jacob Bright, Sir James Fergusson, Sir Henry Roscoe, the Honourable Alan de Tatton Egerton, Mr. Addison, and Mr. Elliott Lees do prepare and bring it in."—(*Mr. Houldsworth.*)

Mr. T. M. HEALY (Longford, N.): Perhaps some Member of Her Majesty's Government will make a statement to the House in regard to this very important matter. I presume that the object of the Bill is to enable interest to be paid out of capital.

Mr. HOULDSWORTH: The Motion which I have ventured to propose is one of a very simple character, and I think I can, in a very few words, place the House in full possession of the facts of the case. The House will be aware that the Manchester Ship Canal Bill was passed by Parliament two years ago for the construction of an important undertaking which is considered of vital importance to the interests of Lancashire. During that time efforts had been made to raise the necessary capital, and I am not here to-day to say to the House that those efforts have in the slighest degree been unsuccessful. On the contrary, I am in a position to say that very nearly

£4,000,000 have been subscribed in Lancashire alone, out of the £8,000,000 of the share capital that is required for this undertaking. I may remind the House that this is a very large undertaking, involving a sum of not less than £10,000,000, of which £8,000,000 are to be share capital, and £2,000,000 borrowed capital.

THE CHAIRMAN OF COMMITTEES (Mr. COURTNEY) (Cornwall, Bodmin): I am unwilling to interrupt the hon. Member, but, perhaps, he will allow me to make a suggestion, which I think will save the time of the House, and will only involve a very short statement from me. I see that there are three Motions down on the Paper in reference to this Bill in the name of the hon. Member. The first is for the suspension of the Standing Orders, in order to enable the Bill to be brought in. The second is for the suspension of further Standing Orders, so that a Motion may be made "that the Bill be now read a first time;" and the third is a Motion for the second reading of the Bill. Now, the first and second of these stages may be taken today without provoking much discussion; but the third stage cannot be taken if any Member objects to it, and must of necessity go over until to-morrow. No doubt, when that Motion is made, there will be a discussion upon it, and therefore I think it may be for the convenience of the House to agree to the present Motion, and to permit the first and second stages of the Bill to be taken, on the understanding that the discussion upon the whole merits of the Bill will be taken on the Motion to read the Bill a second time. The Motion to suspend the Standing Orders in order to enable the Bill to be brought in is in itself a matter of some importance; but I think the first and second Motions may be agreed to, in order to save the time of the House. The discussion, which I presume will relate to the financial condition of the concern, can be fittingly taken on the proposal to read the Bill a second time.

MR. HOULDSWORTH: I am perfectly ready to assent to the course proposed by the hon. Member being taken.

MR. SINCLAIR (Falkirk, &c.): Before that proposal is accepted by the House, I should like to say a word or two. I think that the proposal made by the Chairman of Ways and Means is not, under the circumstances, an unreasonable one — namely, that the first and second Motions which stand in the name of the hon. Member for North-West Manchester (Mr. Houldsworth) should be adopted now; but I would suggest that, instead of the discussion being taken to-morrow upon the Motion for the second reading of the Bill, it should be postponed for at least a week, because this is the very first occasion on which these three Notices have appeared on the Paper at all. Personally, I knew nothing of them until, by mere accident, I discovered them when I opened my Parliamentary Papers this morning. Many hon. Members who are interested in the question knew nothing about this Bill, and I think it is desirable that ample time should be afforded for considering it. Therefore, I hope the House, while adopting the suggestion of the Chairman of Ways and Means, will modify it to this extent, that it will adjourn Motion No. 4 for the second reading for a week.

MR. JACOB BRIGHT (Manchester, S.W.): I hope the House will consent to the suggestion which has been made by the hon. Member for Bodmin (Mr. Courtney). The only motive for pressing this Bill forward rapidly is that the promoters have almost no time left at their disposal. It is absolutely necessary for them to raise the whole of their capital before the 5th of August, or the whole scheme will collapse. They see their way to raising it, if they can obtain the powers proposed to be given by this Bill, and the whole matter will then be settled. If, however, the discussion on the second reading is postponed for a week, it will very much imperil the success of the scheme.

THE SECRETARY TO THE BOARD OF TRADE (Baron H. DE WORMS) (Liverpool, East Toxteth): I think it would be for the convenience of the House that a measure of this importance should be postponed from to-day until this day week. I express no opinion with regard to the merits of the Bill itself; but I may point out to the hon. Member for North-West Manchester (Mr. Houldsworth) that the Board of Trade have had no notice whatever that the Bill was coming on, and as it involves questions of enormous importance, I cannot consent to any arrangement to rush a matter of such great magnitude through the House without Notice.

MR. WHITLEY: The proposal now made by my hon. Friend (Mr. Houldsworth) on behalf of the promoters of this Bill is one of the most serious which can occupy the attention of this House. My hon. Friend proposes, by the Bill, to enable the Manchester Ship Canal Company to raise a portion of their capital by means of preference shares upon the undertaking which has already received the sanction of Parliament. I will remind the House that when the Company introduced their measure originally, they failed to carry it, and when it was subsequently submitted to a Select Committee, the Committee made it a condition upon which the consent of Parliament should be given to the Bill, that the Company should raise £5,000,000 of capital before commencing their works. At the present moment, according to a statement contained in a paper which I hold in my hand, the Company have only raised £3,000,000, and they now propose to alter the whole of the conditions which were made with them by the Committee when they granted the Bill. They propose, in fact, to raise a portion of their capital by preference shares in connection with an undertaking in regard to which the original capital has not been subscribed. Now, I venture to think that such a proposition was never before made to this House, and I think it is one which really requires a great deal of serious consideration before the House consents to sanction so new and so important a principle, and to suspend the Standing Orders in a way that has never been previously proposed. The undertaking given by the Company when they obtained their Bill was that they would raise a capital of £5,000,000 in advance before they proceeded to commence their works, and power was given to them to pay interest out of capital while the works were in course of construction. Not content with that privilege, they are now seeking to introduce a new principle, and one which must be regarded as even more objectionable, and that is the principle of raising money by means of preference stock upon an engagement to pay interest out of the original capital. I do think that this is a very serious matter. My hon. Friend asks the House to suspend its Standing Orders in order to enable this Bill to be brought in, and if that proposal is assented to, the effect will be to take away from the Standing Order Committee their power and duty of expressing an opinion upon the measure. I certainly cannot help thinking that this House, without possessing the slightest knowledge whatever of the matter, should not be asked to suspend the whole of its Standing Orders. It is a very dangerous principle which my hon. Friend proposes to introduce. I, therefore, feel it a sense of duty to move the rejection of the proposition which has been made by my hon. Friend.

MR. SPEAKER: It is not necessary to move the rejection of the Motion. The question is—"That the Standing Orders be suspended," and that Motion may be met by a negative.

MR. T. M. HEALY: I feel it right to say that, although I asked some Member of the Government to make a statement in reference to the matter, I take no objection to the proposal.

Question put, and *agreed to.*

Motion made, and Question, "That the Standing Orders be suspended, and that the Bill be now read the first time,"—(*Mr. Houldsworth,*)—put, and *agreed to.*

Bill read the first time.

MR. HOULDSWORTH (Manchester, N.W.): I now beg to move—"That Standing Orders 62, 204, 223, and 235 be suspended, and that the Bill be now read a second time." I am very anxious to proceed with the Bill as rapidly as possible; but I have no objection to the proposal of the Chairman of Ways and Means that the discussion on the Motion for the second reading should be taken to-morrow.

Motion made, and Question proposed, "That Standing Orders 62, 204, 223, and 235 be suspended, and that the Bill be now read a second time."—(*Mr. Houldsworth.*)

THE CHAIRMAN OF COMMITTEES (Mr. COURTNEY) (Cornwall, Bodmin): If the Motion for the second reading is objected to by any hon. Member it must of necessity stand over.

MR. HOULDSWORTH: The suggestion made by the hon. Member was that it should stand over until to-morrow; and, although I should have preferred to take the second reading now, I will make no objection to that course being adopted. Another suggestion has, however, been made by the Secretary to the Board of Trade—namely, that the second reading be postponed until this day week. I shall be perfectly ready to accept a compromise, and postpone the Motion until Monday. It is of the utmost importance to make rapid progress with the Bill. I believe the matter stands in this position—That the whole capital for this important undertaking can be raised if we pass the Bill within the next two or three weeks. If it is postponed beyond that time, and the powers of the promoters should lapse, the whole of the enormous expenditure which has been incurred in getting the Bill through Parliament will be entirely thrown away. I should, therefore, be glad to make this compromise. I have no wish in any way to take the House by surprise; and if the promoters had not been driven into a corner it would not have been necessary to press forward this Bill.

Mr. JOHN MORLEY (Newcastle-upon-Tyne): I think that the compromise suggested by the hon. Member for North-West Manchester is a perfectly reasonable one. I know it is possible that the right hon. Gentleman opposite may object to the time of the House being consumed on Monday in a discussion upon a Private Bill, but I am informed by those who ought to know, that the time likely to be occupied in this business will not be very long. If a further delay is insisted upon, it may be fatal to the Bill, and, therefore, I hope the Government will consent to the course proposed by the hon. Member.

Baron HENRY DE WORMS: I have no wish to offer any factious opposition to the measure; but the matter is one of very great importance, not only to the House, but to the Department with which I am immediately concerned. The Board of Trade has never been consulted at all in regard to the Bill. The first notice I had was when I saw this morning the three Motions of the hon. Member for North-West Manchester on the Paper. No notice whatever had previously been given to the Board of Trade. I might have met the hon. Member's proposals by moving that the Bill be referred to the Examiners, or to the Standing Order Committee. I do not wish to act in any unreasonable way; but I think that it is only fair to ask for a week's time in order that both the Government and the House may take this very important measure into consideration. Under these circumstances, I do not think that I ought to consent to the compromise proposed by the hon. Member.

Mr. BRADLAUGH (Northampton): I trust that the Government will accept the proposal to take the second reading on Monday. The Government themselves admit the importance of the measure, but its importance rests upon the financial arrangements proposed; and, seeing that even a few days delay may imperil the whole scheme, and that it may be equally satisfactorily dealt with on Monday as on Wednesday, I trust the Secretary to the Board of Trade will give way.

Baron HENRY DE WORMS: With the indulgence of the House, I will say that, on the clear and distinct understanding that the discussion upon the Bill will not occupy a long time on Monday, the Government will consent to its being taken on that day.

Debate *adjourned* till *Monday* next.

QUESTION.

COAL MINES—THE COLLIERY ACCIDENT AT MOTHERWELL.

Mr. D. CRAWFORD (Lanark, N.E.): I beg to ask the Secretary of State for the Home Department a Question, of which I have given him private Notice, Whether his attention has been called to the coal pit accident at Motherwell, by which three men were killed and others injured; and whether he would cause an immediate inspection to be made as to the cause of the accident?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): I only know of this accident from what I have seen in the newspapers. I have not yet received any official information; but I have telegraphed to the Inspector to at once inspect the colliery, and to make an immediate Report.

ORDERS OF THE DAY.

—o—

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. A. J. Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 6th June.*]

[FOURTEENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

SPECIAL JURY AND REMOVAL OF TRIAL.

Clause 3 (Order for special jury).

MR. T. M. HEALY (Longford, N.), in moving as an Amendment in page 3, to leave out in line 15 to line 18, inclusive, the words—

> "Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business, be it enacted—"

said: The passage to which I object precedes the enacting part of the clause as a preamble. The statements contained in it are false and absurd, and as this preamble does not affect the enacting part of the clause, I think it may well be omitted. The Government propose to secure the trial of persons charged with political offences by one section of the community in Ireland, and they declare in this preamble that it may be expedient to change the venue in order to secure more fair and impartial trials, and to relieve jurors from danger to their lives, property, and business. Whatever view may be taken of the necessity of securing more fair and impartial trials, the pretence that this Bill will relieve jurors from danger to their lives, property, and business is ridiculous, because in no case, with one exception, throughout the entire history of Ireland, has any juror been subjected to injury or harm in consequence of having acted as a juror. That one case is all the Government have to go upon, and no other juryman who has given a verdict in favour of the Crown, either in 1848, 1865-6-7, 1870, or in the three years of the last Crimes Act, although hundreds of jurymen have been concerned, has ever sustained injury. In the case of the solitary juryman who was attacked—Mr. Field—the men were caught and hanged. Therefore I maintain that to ask the Committee to place on the Statute Book a formal declaration of this kind without the slightest pretence for it is asking a great deal too much. It will not add one hair's breadth to the enacting provisions of the Bill, nor can it accomplish any good object the Government can have in view. To ask the Irish Members quietly to assent to a useless and needless libel upon their countrymen is to ask them to do what it is impossible for them to do. No doubt Her Majesty's Government may force the Committee to accept this preamble, for they have their majority and can do very much as they like. Nowadays, except in the case of legislation introduced by some amateur, the old practice of prefacing a Bill with a preamble has been altogether abandoned. I believe the last instance was the case of the Hares and Rabbits Bill. Nobody nowadays thinks of inserting a preamble in a Bill, and unless the Government are proud of their own drafting, the least they ought to do is to omit this preamble. I therefore hope the Government will accept my Amendment. In Ireland, there is not one man in 20 who possesses the qualification of a common juror, and there is not one in 50—I believe the exact number is one in 64—who possesses the qualification of a special juror. I think it is quite enough to ask us to leave in the hands of this gang of landlords and land agents the power of trying the cases which will arise under the provisions of this measure, but to ask us to assent *pro formâ* to this libel upon our countrymen is asking a great deal too much. The Government, in this measure, are seeking to entrust the lives and liberties of the Irish people to the members of secret societies, in the hope that by that means they may practically stamp out those liberties, and it is a gross absurdity to call upon us to assent that trials by jury in Ireland are unfair and impartial, and that a necessity exists for relieving jurors from danger to their lives, property, and business. I beg to move the omission of the first four lines of the preamble.

Amendment proposed, to leave out from the word "Whereas," in page 3, in line 15, to the words "be it enacted," both inclusive, in line 18.—(*Mr. T. M. Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The Government have no objection to raise to the course which the hon. and learned Member has pursued. They can quite understand that the hon. and learned Gentleman feels it his duty to make a protest against this preamble, but there is nothing unusual in prefacing a clause by a preamble. In the present case, the preamble explains one of the chief grounds upon which the Government ask that the Bill should become law. The hon. and learned Gentleman appears to think that persons who serve in Ireland as jurymen run no risk, and the hon. and learned Gentleman says it is an historical fact that no juryman has run any danger to his life, property, and business by acting according to his oath in the jury box. The hon. and learned Member is perfectly aware that the Government have always laid it down that one of the chief grounds justifying the Bill is that a fair trial cannot be obtained at the hands of a jury in Ireland. [*Cries of* "Oh, oh!"] Yes, that is one of the grounds for the introduction of this Bill. There is, therefore, nothing new in the declaration we have put on the face of the Bill, and experience proves the absolute necessity of provisions of the character of those contained in this clause. Experience obtained under previous Crimes Acts, and experience obtained every year at the Criminal Assizes held in Ireland, has abundantly proved that if you want to have justice done by a jury in Ireland a change of venue is absolutely necessary. That being our view—a view supported by experience in Ireland extending over a good many years—I do not see how it is possible to modify this clause, nor do I see any adequate ground for withdrawing the preamble, which clearly explains the grounds upon which the Bill has been introduced.

MR. T. M. HEALY: The right hon. Gentleman, I presume, by way of a pleasant interlude, dropped one important expression—namely, that he does not see any grounds for modifying the clause. Are we then to understand that in this question the opinion of the Unionist Members is to be disregarded? Are we to understand that although Lord Derby, one of the chief Unionist supporters of the Government, has declared that the exportation clause to England is an absurd provision—are we to understand that in the judgment of Her Majesty's Government, no attention ought to be paid to the views of the noble Lord and his brother Unionists? This clause declares—

> "Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business."

I wish to ask the Government whether this is the way they mean to defend the clause—namely, by simply dropping a statement from the mouth of the right hon. Gentleman the Chief Secretary that they neither intend to withdraw this preamble, or any other part of the clause. This statement certainly conflicts with the assertion which has been prominently put forward as to an understanding between the Liberal Unionists and the Government in reference to the change of venue to England. The right hon. Gentleman the Chief Secretary tells us that the Government do not see their way to the withdrawal of the preamble or any other part of the clause. In making that statement, does the right Gentleman mean to forestall the discussion of the 2nd sub-section of the clause? Is he now announcing the determination of the Cabinet; and if so, do they intend to make it a vital matter? Of course, if they make it a vital matter, the Unionists will abstain from opposing them. So elastic are their consciences, that they will vote against any proposal which the Government assert to be a vital matter.

MR. A. J. BALFOUR: I certainly did not intend to convey that the Government would not accept an Amendment in any part of the clause. What I intended to say, and what I adhere to, is that we must disclaim any intention of abandoning the principle embodied in the preamble of the clause, and in the clause itself, that a change of venue under certain circumstances is absolutely necessary.

MR. BRADLAUGH (Northampton): The right hon. Gentleman says that the Government can see no adequate reason for abandoning this preamble. Let me try to give them one, and that adequate reason is that the withdrawal of the preamble would save the whole of this discussion without in any fashion changing the Bill. The preamble is no portion of the enacting part of the Bill at all. The enacting part would be equally effective without it. It contains a number of statements which are naturally disputed on this side, although they are affirmed by the Government. If the Government insists on having these statements retained in the Bill, it will be only fair that we should discuss, one by one, whether they are true or not. I maintain that the Bill would be just as effective without these four lines, and would be just as complete, good or bad. They add nothing whatever to the Bill, and are mere verbiage.

MR. DILLON (Mayo, E.): I quite agree with the argument of the hon. Member for Northampton (Mr. Bradlaugh). It may appear to the right hon. Gentleman the Chief Secretary desirable for this Committee to affirm the statements contained in the clause in regard to Irish juries; but if the Government are determined to insist upon that, then we, on this side of the House, are equally determined to discuss them. What earthly object can the Government have in adding to the general offensiveness of the measure, and placing on record, as a sort of historical proposition, a declaration of this character? I should have supposed that the Government had quite enough on their hands without insisting upon the affirmation of propositions with regard to the past history of Ireland. I should have thought they would have desired to proceed with the remaining parts of the Bill. It seems, however, that there is not enough to satisfy them without insisting upon pressing forward these offensive and obstructive propositions. I am perfectly ready to enter into the questions from the historical standpoint. It is alleged in this preamble—

> "Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business."

But did the right hon. Gentleman the Chief Secretary attempt to instance a single case where there has been danger or injury to the life, property, or business of an Irish juror when a Coercion Act was not in force? In Ireland, whenever you have found the life, property, or business of a juror in danger, it has always been when the country has been governed by exceptional laws. In no part of the history of Ireland is there the smallest evidence of intimidation having been practised towards jurors when the law administered in Ireland was the same law which was being administered in England. Therefore, it is only natural that we should feel a great and strong objection to having such a statement as this placed on record in a Bill of this kind, and that it should be accepted as proved by this Committee. I am astonished to find that Members of the Government are not more desirous of giving real information to their Friends upon this complicated and difficult Irish Question. I should have thought that they would have been anxious to give accurate information upon the question, instead of displaying their ignorance in this blind and stupid fashion. If they intend to continue in this course, I am afraid it will never be possible to bring about a termination of this eternal Irish Question. Let hon. Members look to the debates which took place in this House in the years 1838 and 1839, when Lord John Russell was the Leader of the Liberal Party, and when he was resisting the attempt then made to enforce coercion. The only four years in the history of Ireland, since the Union, during which coercion was abandoned and the jury system was administered as it is administered in England, according to the testimony of Sir Thomas Drummond, the Irish Secretary of that period, the Law Officers of the Crown, the Lord Lieutenant, Lord John Russell, and the whole Executive, were years of progressive improvement. According to the testimony of those gentlemen, from the day and hour in which the system of packing juries and unfairly administering the law ceased, crime steadily, and even rapidly, decreased. I think it was in March, 1839, that the experiment of administering the Jury Law in Ireland as it is administered in England was, for the first time, undertaken, and the experiment was crowned with the most complete success. Indeed, a condition of things was brought about under the new system for a parallel to which we must look in vain under the working of Coercion Acts. It is, therefore, a monstrous thing for the right hon. Gentleman the Chief Secretary to introduce into this measure a declaration as to the past history of Ireland which will place on record the assertion that in the opinion of this Parliament it is necessary and expedient to protect the lives of Irish jurors when we have on record in the most undeniable manner that during the only four years throughout the whole of the century that the Jury Law of Ireland was administered in the same spirit as the Jury Law in England the Executive and the Ministers responsible to the people of this country for the Government of Ireland declared that there had been great progressive improvement in the administration of law and justice, and that the success of the experiment fully confirmed the hopes that were entertained of it. Is it either just or reasonable to expect that we shall quietly submit to the gratuitous insult directed against us for which the Government can allege no reason whatever? Her Majesty's Ministers are not content with forging chains for the Irish people, but they desire to insult them into the bargain.

Mr. MAURICE HEALY (Cork): The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) last night wished, on the part of the Government, to make a statement in regard to the whole of this clause, which statement you, Mr. Courtney, ruled to be out of Order. But he refuses to do so now that we are dealing with a preamble, which, seeing that it raises the whole question of the clause, would afford a legitimate opportunity for doing so. The right hon. Gentleman persistently refuses to tell us what the intentions of the Government are. I object to this preamble for three reasons. In the first place, because it is a lie on the face of it. It alleges that under the present law Irish jurors are unable to discharge their duties without endangering their lives, property, and business. Upon that state of facts we take absolute and complete issue with the Government, and we assert in support of our position the unquestionable fact that in no instance but one —namely, in the case of Mr. Field, has any injury ever occurred to any juror in Ireland in consequence of his conduct in the discharge of his duty in the jury box. It must also be remembered that in the case of that Gentleman he was a juryman selected under the Crimes Act of 1882, and under a system which this Bill seeks to carry even still further. No doubt, Mr. Field did suffer injury in consequence of his action as a juror; but the criminals in that case were promptly and speedily brought to justice and punished. Therefore, the allegation contained in this preamble is absolutely and positively false, and on that ground we object to the insertion of such a preamble in an Act of Parliament. I have never seen any use made of a preamble in a legal argument, except sometimes to confuse an issue which may have been raised. The right hon. Gentleman the Chief Secretary, says that this preamble serves the purpose of setting forth on the face of an Act of Parliament the reasons which have induced Parliament to pass it. Now, I take the liberty of saying that that is a thing which Parliament should never do. Parliament should be content to lay down, in plain language, what it intends to do, and it is idle to set forth their reasons on the face of the Act itself. This question of preambles is a very old question, and one which was discussed by a learned and distinguished Judge—Lord Bacon—some 200 or 300 years ago, when preambles to Acts of Parliament were much more common than they are now. My recollection of the language used by that distinguished man is that he condemned the practice on the ground that the function of Parliament was not to set forth reasons for what it did, but to state simply, clearly, and intelligibly, what it intended the law to be, and then to leave to courts of law the function of interpretation. My third objection to this preamble is that it is not expressed in good grammar. The preamble says—

> "Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business."

I take it that what is meant is this—

> "Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland for the purpose of securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business, be it enacted,"

and so on. This is only a very small point, but it is another instance of the scandalous manner in which the Bill has been drafted. It also shows the hurry with which the measure has been introduced. Upon these matters I do not think that satisfactory reasons have been given by the right hon. Gentleman the Chief Secretary to justify the Committee in rejecting the Amendment, and I would ask some Minister of the Crown to give some more intelligible reason for the opposition of the Government to the Amendment.

MR. JOHN MORLEY (Newcastle-upon-Tyne): I might concur with the view expressed by the hon. Member who has just sat down as to the general virtue and efficacy of preambles, but I am not sure that this is an occasion when that matter can be very satisfactorily discussed. What is perfectly clear is, that the right hon. Gentleman the Chief Secretary does not believe in his own arguments on this particular preamble, because he stated that the Government desire the present Bill to bear on the face of it the reasons why such an Act has been passed. If that argument is worth anything at all, it is an argument in favour of having a preamble to the Bill as a whole, as was done in reference to the Crimes Act of 1882. If it was worth while to have this provoking preamble to this clause, much more was it worth while to have a preamble to the whole Bill. I therefore submit, Mr. Courtney, that the right hon. Gentleman can have no very great faith in his own argument. The attitude of the Government in inserting this preamble, and then in adhering to it at this moment, is an excellent illustration of what we mean when we charge the delay which has taken place in getting this Bill through upon the want—I do not wish to use a harsh word—upon the want of competency displayed by those who have had the conduct and management of the Bill. The right hon. Gentleman must have known that to insert a preamble of this kind would be to provoke hon. Gentlemen below the Gangway to dispute and challenge it. I agree with my hon. Friend the Member for Northampton (Mr. Bradlaugh), that it adds nothing to the efficacy of the Bill. It does not make the Bill one atom stronger, more effective, or more operative in any single respect, but it is a pure piece of wanton and idle provocation. The right hon. Gentleman appears to be somewhat surprised that hon. Members below the Gangway should resent the insertion of an allegation of this kind, and there again he shows that want of appreciation which marks the whole policy of Her Majesty's Advisers—a want of appreciation of the mind and the working of the imagination of the people of Ireland. They do not seem to think it enough that they should inflict these exceptional disabilities and hardships upon the Irish people, but they must needs add superfluous and disputed allegations. They do not seem to be aware that a preamble of this kind must necessarily insult and wound the feelings of the Irish people. For themselves, they can gain nothing by it. That is perfectly clear. Although I have been glad to have the opportunity of pointing out what we mean by the inefficient conduct of this Bill on the part of Her Majesty's Government, at the same time, I think the matter of the Amendment of my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) has been so much discussed at previous stages that I would recommend my hon. and learned Friend not necessarily to withdraw the Amendment, but to enable the Committee to proceed, as rapidly as possible, to a Division in which I, for one, shall have the pleasure of following him.

SIR WILFRID LAWSON (Cumberland, Cockermouth): Oh, no. That will not do at all. The Government have put this preamble in their Bill, and they have put it in because they think it of importance. Hon. Members from Ireland think it is of importance too, and the matter must be properly discussed. I hope, therefore, that the discussion will go on for an hour or two. I am very sorry for the Government. I think there never was a Government which gave itself so much unnecessary trouble. The whole of this Bill is a piece of unnecessary trouble. They ought to have brought in a Bill of one clause saying—"Henceforth Ireland shall be ruled at the will and pleasure of the Lord Lieutenant." They might have discussed that point in one or two nights and got it settled, and by that means they would have saved the rest of the Session for those beneficent measures which they are so anxious to bring forward. I think the little discussion we have had this morning has been most instructive. It is instructive, because it will show who are the real obstructives. There [pointing to opposite Benches] sit the real obstructives. My right hon. Friend the Chief Secretary to the Lord Lieutenant (Mr. A. J. Balfour), who has brought in a preamble in an unusual manner, which is of no value whatever, except to irritate the Irish people by putting an insulting sentence into the Bill. I think that the Irish Members have a perfect right to discuss the Amendment as long as they are able to do so, and I hope they will not withdraw it; but will go on with the discussion until that happy moment when the right hon. Gentleman the Leader of the House comes down and speaks the word of fate which will put an end to the discussion.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I have always considered the Whiteboy Clause the most obnoxious clause in the Bill, and that there is a most serions attempt in the second clause to interfere with the social life of the Irish people. Certainly, I still look upon that clause as even a more objectionable one than the fourth clause which we are now discussing. Then if a preamble is necessary at all, why should there not be a preamble prefixed to the most important clauses of the Bill. Why—as the right hon. Gentleman the Member for Newcastle-upon-Tyne (Mr. John Morley) has asked—is there no preamble prefixed to the beginning of the Bill itself? Here we have a preamble taken out of its place and inserted in a portion of the Bill in which no preamble has ever appeared before, as far as I know, in the history of any measure whatever. Moreover, it is not inserted for the purpose of making the Bill more effective; but for the purpose of making it more insulting to the Irish people. I listened to the remarks which were made by the right hon. Gentleman the Chief Secretary, and I do not think that the right hon. Gentleman had quite made up his mind what to do with the latter portion of the clause. A suspicion crossed my mind that he was somewhat anxious that the Committee should spend a considerable amount of time in these harmless preliminary skirmishes, in order that he might arrange his plans for compelling a complete surrender in regard to the latter portion of the clause. I am very glad that this discussion has taken place, because it has placed the Government in a most unenviable position before the country and the world. The Government themselves cannot deny that these words were absolutely unnecessary. I am not a lawyer myself, and, therefore, I am bound to speak with modesty of the amateur attempts of the Chief Secretary to explain and expound the law; but I see that the right hon. Gentleman is at the present moment buttressed by two very able lawyers—the hon. and learned Solicitor General for England (Sir Edward Clarke) on one side, and the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) on the other. I now see approaching the portentous form—using the term purely in relation to the ability of the hon. and learned Member—of the Attorney General for England, and there are also present on the Treasury Bench the Home Secretary and the Solicitor General for Ireland. There are consequently five lawyers sitting there to support one layman, and I ask whether a single one of those five lawyers will rise in his place and declare that this clause, even if it be carried exactly as it stands, will add one particle or iota of strength either to the clause to which it is a preamble, or to any section of the Bill? I look upon that as a fair challenge. If the words add no effectiveness to the measure surely there is no necessity for rendering it wantonly and uselessly provocative and insulting. I hardly know at present whether the right hon. Gentleman the Chief Secretary for Ireland regards these words as really insulting to the Irish people or not—[Mr. A. J. Balfour: No.]—I beg the right hon. Gentleman's pardon. He does not think so. I am afraid that my hon. Friends sitting around me are not of the right hon. Gentleman's opinion, and with all respect for the Chief Secretary for Ireland, I will venture to assert that we are rather better judges of what the feeling of the Irish people is than he is himself. The right hon. Gentleman is not an Irishman by birth, nor is he an Irishman by adoption. The right hon. Gentleman has taken very good care not even to visit the country which he assists in governing. I do not find fault with the right hon. Gentleman for avoiding scenes of political conflict and turmoil in his holidays; but, at the same time, when we have a Chief Secretary for Ireland so absolutely ignorant of the country who is paid £5,000 a-year for governing it. [An Hon. Member: Not £5,000, £4,500.] Well, the difference is not very much, and it is immaterial to my argument. I am not in receipt of anything like that sum, but I know that if I were I should have felt it my duty to do something to acquaint myself with the condition of the country for governing which I was so liberally paid. If not, I should certainly not feel prepared to stand up in face of the united representation of the people of Ireland, and declare that a clause in a particular Bill is not insulting, which they say is both provoking and insulting. If this preamble is persisted in, I think it will be our duty to discuss each one of the several and different propositions which it contains. Let me call attention to the fact that this preamble does not consist of one proposition only, but is a statement of several propositions, to each of which the Irish Members offer a most decided and uncompromising challenge. The first statement is that it is expedient to amend the law relating to the place of trial of offences committed in Ireland. Well, we altogether deny that statement. It is not true that a fair trial cannot be obtained in Ireland, except in the case of the Orangemen, where we find the right hon. and learned Attorney General for Ireland takes very good care to procure an acquittal by not fixing their place of trial in some county where the trial could be properly conducted. The second statement is that it is intended to secure more fair and impartial trials in Ireland. I have two answers to that. I say, in the first place, that trials in Ireland, either for fairness or impartiality, will compare favourably with those which take place in England, Scotland, and Wales, or in any other civilized country in the world. In the second place, we are not to accept a proposition of that nature as a mere academic proposition of the Chief Secretary; on the contrary, it is one which is made in grim earnest. The Irish are among the most peace-loving, the most orderly, the most well-conducted, and the most virtuous people in the world, and yet it is proposed, in this preamble, to proclaim Ireland to the world as a country filled with crime. What I maintain is that it will be impossible to obtain a fair and impartial trial by the measure which the Government are now proposing. If I were to propose a preamble to this clause—and I have as much right to propose a useless, wanton, and unnecessary preamble as the Government—I should say that this clause was expedient, in order to secure more unfair and partial trials; and I think I should be able to prove that proposition. A fair trial means a trial of a man by his peers, so that there may be a perfect parity and equality between man and man. The proposition of the Government is altogether opposed to that, because it provides that a man shall be handed over to trial, not by his peers, but by his religious, political, and social antagonists. Moreover, it is proposed to send the Irish peasants before such a tribunal at a moment when there is something like civil war between class and class. The third part of this preamble I object to still more strongly. It says that this clause is necessary in order to relieve jurors from danger to their lives, property, and business. I deny that jurors in Ireland are in any danger of their lives, property, or business. I maintain that jurors in Ireland have done their duty too well, rather than too ill, as between the Government and the people. I know many men in Ireland, men of strong Catholic and Nationalist sympathies, who have found political prisoners guilty solely against their feelings, even in cases where I myself would never have found a political prisoner guilty. I hold that as long as a man abstains from crime he should be at liberty to do what he can to secure the freedom and liberties of his country. At the Fenian trials, Catholic after Catholic, and Nationalist after Nationalist, went into the jury box and found men guilty time after time, although their only crime was that in despair of the future of their country they thought strong measures were necessary. The whole history of Ireland, as far as political trials are concerned, is a history not of a wanton disregard, but of a too scrupulous regard for the administration of the law. Compare the history of political trials in Ireland with the history of political trials in England. Hon. Members with short memories, and an imperfect historical knowledge, are in the habit of pointing out that persons charged with crime in Ireland have been acquitted because politics were mixed up in the accusations made against them. Has that never occurred in England? Let me remind hon. Members of the time when a plot was hatched against the life of the late Emperor Napoleon by Orsini, and when an attempt was made to assassinate him on going to the Opera House in Paris. The Government of France accused the people of this country on that occasion of harbouring, associating with, and stimulating the conspirators to assassinate the reigning head of the French Empire. And the charge was just, because there is no doubt that Orsini's conspiracy met with considerable sympathy in this country. Indeed, I believe it is a fact that even some Members of this House were charged with assenting to and encouraging, if not actually, at any rate partially, in various other ways the persons who were guilty of this crime. [Sir EDWARD CLARKE dissented.] I see that the Solicitor General for England shakes his head. Do I understand him to mean a denial of my proposition? I should like the Solicitor General to commit himself to such a denial, because I believe I should be able to prove my case fully. I think the Solicitor General himself is old enough to remember the trial of Dr. Bernard. What was the charge against that gentleman? It was one of conspiracy to assassinate the Emperor Napoleon. Dr. Bernard was acquitted of that crime, although the evidence against him carried conviction to the minds of all impartial men, and the verdict of acquittal was received with tumultuous cheers; and in a very short time afterwards, when one of the ablest and most powerful Ministers this country ever had—Lord Palmerston—got up and introduced a Bill giving the Government power to deal with such conspiracies in future, it was opposed by so honoured a man as Mr. Cobden, who acted as Teller on the Division which proved fatal to the Government. It pains me very much to differ from the right hon. Member for Newcastle-upon-Tyne upon this question, but I confess that I feel bound to take the advice of the hon. Baronet the Member for the Cockermouth Division of Cumberland (Sir Wilfrid Lawson) rather than that of the right hon. Member for Newcastle-upon-Tyne. This preamble contains propositions which the Irish Members are bound to resist. We are absolutely called upon to discuss these propositions, and, for my part, I advise my hon. Friends to discuss them up to the moment when the modern—although I can scarcely say Olympian—Jove comes in and puts an end to the discussion.

MR. OSBORNE MORGAN (Denbighshire, E.): I sincerely trust that the Government will not be so infatuated as to insist upon this preamble. Of what possible use can it be except to add insult to injury? It may be said that it has not been introduced with the intention of insulting the Irish nation, but I maintain that a greater insult could not be offered to a nation. For, observe, its language is not confined to agrarian or political times, but it declares in so many words that an Irishman is incapable of doing justice. Thus it is an indictment against the whole Irish nation, alleging that Irish jurors will not do justice. If such an imputation were attempted to be conveyed against the impartiality of Welsh juries, I am satisfied that every Welsh Member would sit up all night to oppose it. I have heard it said that a Bill which requires a preamble stands self-condemned. But if a preamble is necessary at all, why not put it in its proper place at the beginning of the Bill? It seems as if the Government have been afraid of expressing their own thoughts, and they have thought that by smuggling these words into the middle of the Bill, they would get them passed unchallenged.

MR. PICKERSGILL (Bethnal Green, S.W.): I think it must be conceded that precisely the same rule, and precisely the same principle, should be applied to a preamble, whether it is placed at the beginning of a Bill, where we would naturally expect to find it, or whether it is placed at the beginning of a clause in a Bill. Let me invite the attention of the Committee to the remarks which are made by the late Sir Erskine May upon this point, on page 560 of his work on the established usages of the House in regard to the postponement of the preamble of a Bill when it comes at the beginning of a Bill. He says—

> "By a Standing Order of the 27th of November, 1882, it is provided that in Committee on a Bill, the preamble which has been postponed until after the consideration of the clauses without Question put."

Sir Erskine May then proceeds to say—

> "This course is adopted because the House has already affirmed the principle of the Bill on the second reading, and it is therefore the

> province of the Committee to settle the clause first, and then to consider the preamble in reference to the clauses only. By this rule the preamble is made subordinate to the clauses, instead of governing them."

The Government, by asking us to vote this preamble, before we have settled the clause which it precedes, are reversing the rule laid down by Sir Erskine May, and they are asking us to make the clause subordinate to the preamble, instead of the preamble being, as it ought to be, subordinate to the clause. Now, I submit that by following the very unusual, if not unprecedented course of placing the preamble where it ought not to be—namely, in the middle, instead of at the beginning of a Bill, the Government are directly violating the spirit of a Standing Order of this House.

MR. EDWARD HARRINGTON (Kerry, W.): I am sorry that the Government refuse to accept the Amendment. No reason has been assigned for the insertion of these words. They get all they require by means of the enacting portion of the clause without this preamble at all. The propositions contained in the preamble, as has been ably shown by my hon. Friend the Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor), are not based upon facts or experience. We have heard a good deal about the difficulty of obtaining convictions in Ireland, but that is altogether contrary to my experience. At the Winter Assizes which have been held in the City of Cork, or at the ordinary Assizes which have taken place in other districts, a power of this kind has certainly not been required, and time after time the Government have been able to obtain the conviction of any prisoner they have considered it desirable to send for trial. In many cases, looking at the matter dispassionately, I am of opinion that the Government have obtained convictions where the jury have been more influenced by prejudice than by evidence. I have known of cases where persons convicted at the Cork Assizes have been sentenced to death, and the sentence has been carried out. I recollect on one occasion having been present an hour after an execution had taken place, and I then saw the corpses of men who died protesting before God, with the Sacrament on their lips, that they were innocent of the charges which had been made against them. I make no complaint against the jurors for the verdicts they have returned, but I mention the fact simply as an argument, to show what it is possible to do at the present time under the ordinary law, and as an argument against the provisions of this clause which are to come on later. I maintain that the clause itself is altogether unnecessary. Unfortunately, we are in the position of having to discuss the necessity of the clause before we are invited to discuss the clause itself. As a matter of fact, we are invited to a sort of double-barrelled discussion. I think I am not overstating the case when I say that there are, at the present moment, some 250 or 260 persons undergoing penal servitude and various terms of long imprisonment less than penal servitude, from the County of Kerry, who have been convicted at the Kerry and Cork Assizes. This fact abundantly proves that there is no necessity for a change of venue, for nothing further could be done if the prisoners had been taken to Dublin or Belfast to undergo their trial. Indeed, I think anyone who dispassionately inquires into the matter will say that in many of these cases a conviction would scarcely have been obtained from an English jury. We see these things taking place day by day, and I challenge the Government to point out whether or not there is, at the present moment, a man in gaol awaiting his trial because they do not know where to secure a fair and impartial trial. If they could do that there might be some reason for these insulting words. The right hon. Gentleman the Chief Secretary says they are not insulting. I fully admit that he does not intend them to be so; but the Chief Secretary must allow me to say that it is quite possible that whoever drafted the Bill was an Irishman, and the instinct of a Dublin Castle Irishman is the same wherever you find it. Not a word would he utter, not a sentence would he place on the paper which would not in itself be a distinct insult to the Irish people, whether he wished it to be so or not. This preamble says—

> "Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland."

I think we have shown conclusively that it is not expedient, and that there is no necessity whatever for amending the law in that direction. It may be a little convenient for the Government, but when they use such a strong word as "expedient" I think they ought to show that there is an actual necessity for it. It must be remembered that in adopting this change of venue in Ireland, the Government are running in the teeth of what is recognized as the spirit of the ordinary law. I find myself drifting into an anticipation of what is to follow when we come to consider the enacting part of the clause itself; but the irregularity I am guilty of is chargeable to the Government for putting in the clause an unnecessary preamble, and thereby inviting irregularity. As a matter of fact, the Government are anticipating, in a most inconvenient way, the discussion which must follow afterwards in its natural place. What do the Government want with a preamble? That they will be able to get the preamble we know perfectly well; but they will only get it with the trouble of applying the closure and forcing us to silence. No doubt they will be able to get the entire clause by resorting to the same means; but they wish to have it stated in the Bill, and send it forth to the world that no fair and impartial trial can be obtained in Ireland, a statement entirely unjustified by the facts. The speech which the Chief Secretary made upon introducing the Bill may be called the real preamble of the measure, and it amounted to this—"Whereas I have been told a certain number of fables and stories in regard to the administration of justice in Ireland; whereas I know nothing about Ireland; whereas I intend to know nothing about Ireland; and whereas I pride myself on my incapacity to know anything about Ireland; therefore, I declare that a Crimes Bill is necessary." That would have been a fitting preamble to the Bill. As to the clause itself, there is no limit to the discussion which might be initiated upon it. Can anyone pretend that it is fairer to take a Kerry peasant to Belfast or to Dublin, and to get him tried by a jury of Orangemen, or by a jury of broken-down landlords, than to try him in the county in which his alleged offence has been committed. Some of these so-called broken-down landlords never had any land at all; but they deem it a fashionable thing to swagger about and say that they could easily treat their friends with champagne if they could only get their rents. The moment these persons see a frieze coat on a peasants' back they say—"This is one of the men who are stopping the payment of rent, and if he is not guilty of the offence with which he is charged he is undoubtedly guilty of something else, and therefore it is just as well to convict him." It is too much to ask us to swallow this clause on the assertion and assumption that its object is to secure a fair trial. The Government say that it is necessary to adopt a provision for a change of venue, and unfortunately the matter is one over which the Irish Members have no control. They are certain to be outvoted upon it; but it is going too far for the Chief Secretary to require us to assert by a vote of this House that this clause is necessary in Ireland in order to secure a fair and impartial trial. I think that by this time the right hon. Gentleman ought to have discovered that, whoever has drafted the Bill, has adopted the very worst principle so far as the acceleration of the progress of the measure is concerned. There is no doubt whatever what the game of Her Majesty's Government is. They make a hollow pretence of desiring to get on ahead. They tell us from time to time that we are obstructing the progress of the Bill; but they know that we are helping them in the game they desire to play. As a matter of fact, they rejoice in the opposition which the Bill has received, because they are afraid of undertaking any other kind of legislation. Unhappily, we are in such a position that we can take no other course. Personally, we care very little for your Coercion Acts; but we have to stand here to defend the poor and helpless people of Ireland, and we cannot forego the use of every weapon which may ward off as long as possible the application of the coercion that is to be imposed upon them. Certainly, we cannot agree with this preamble; we do not believe that there is a word of truth in it, and, except under the pressure of extreme compulsion, we shall resist its adoption as long as we have the power.

Mr. O'DOHERTY (Donegal, N.): I think the discussion which has taken place has made it pretty clear that, in introducing this clause for the amendment of the Criminal Law in Ireland, their only intention has been to relegate the trial of indictable offences to a particular class of jurymen. I think that the 1st clause of the Bill might have been looked upon as an adequate preamble to the rest of the provisions. I fail to see why this preamble should have been held over until this clause was reached. In my view, the 2nd clause is a worse clause than the one we are now discussing; but it would seem that, in drafting the Bill, the Government have been naturally struck with the necessity of providing some means for justifying the extraordinary nature of the provisions of the Bill. Indeed, in the 1st clause, which deals with the preliminary inquiry, there are several phrases which are only consistent with such a genesis of this measure. The clauses themselves appear to have been mixed up by the draftsman in a higgledy-piggledy fashion, without any regard to connection. I propose, however, to deal with the matter as a lawyer ought to deal with the effect of the words which I understand to regulate the clause. If this, in the opinion of the Government, is a preamble which is a necessary and useful part of the clause—if they consider that it means anything at all—why did not they introduce it at the beginning of their Bill? In my view, this clause has been introduced in order to exclude Ulster from the operation of the measure. It is a matter of public scandal in Ireland that in Party trials in Ulster one side invariably gets off, while the other side is unjustly convicted. That is perfectly notorious, and is as much a part of the history of trials in Ireland as the alleged failure of trials for agrarian offences in other parts of Ireland. Even the Judges themselves have been compelled to confess that the trial of offenders in Ulster has been as complete a failure as the trial of agrarian offenders in the South and West of Ireland. Nevertheless, what do we find in this Bill? It is intended to confine the operation of the Bill to proclaimed districts, and the Government will not dare to proclaim Ulster. They have consequently excluded from the operation of the Bill one of the places where trial by jury has proved to be a failure. In the face of the notorious failure of prosecutions against Orangemen in Ulster, I fail to comprehend why these clauses should be confined to proclaimed districts. It only shows that the Government are not honest in their desire to remedy the evils which they declare to exist. I am afraid that they are actuated by something lower and more insidious than a desire to amend the Criminal Law, and that they have behind some object which is worthy only of Dublin Castle. Let me refer the Committee to the paragraph in the clause which commences at line 30, and which, in my opinion, proves the crafty and insidious character of this preamble. In that part of the clause permission is given to—

> "The defendant, or any defendant, if more than one, in the prescribed manner and within the prescribed time, to apply to the High Court to discharge or vary any such order for the removal of a trial, upon the ground that the trial can be more fairly and impartially had in a county other than the county named in the order of removal, and thereupon the High Court may order that the trial shall be had in that county in which it shall appear that the trial can be most fairly and impartially had."

When an application of that nature comes to be discussed before the High Court, the Counsel for the prosecution will be able to quote the preamble as an expression of the opinion of the Legislature, and it will be quite sufficient to state certain things, and simply refer to the preamble, without giving anything like a reasonable amount of proof that a fair and impartial trial cannot be had. I maintain that this clause is dishonestly intended to exclude Ulster, and that it is craftily drafted in order to prevent a defendant from obtaining a right to a change of venue, and to place him in the hands of his enemies. There is one class of people who are constantly tried in Ulster by juries with whom they have been historically for a large number of years at feud, and, undoubtedly, such prisoners are not able to obtain a fair and impartial trial. They are simply—to use the expression employed by a prisoner in an agrarian trial, "driven into the shambles." I have read of an Irish speaking witness who in Ireland 200 years ago refused to attend a trial at Dungannon on the ground that if he was found in Court he was certain to be tried and executed the next day. That is the tradition and experience which certain classes of the Irish people have of trials in Ulster. They know that in the past they have been unable to obtain a fair trial there, and yet the Government provide them with no protection in the shape of securing a change of venue. If that is true of a large portion of Ulster, why are the victims of this unfair and impartial system of the administration of the law not to have the protection of a change of venue? Yet there is no particle of power of that kind given in this clause. If the Government say that there is a necessity for inserting this preamble, I contend that it should contain propositions which would be fair to both sides.

Mr. CONYBEARE (Cornwall, Camborne): The further we proceed with the Bill the more convinced I am of the correctness of the opinion I have already expressed in condemnation of the measure, that its introduction is a disgrace and an indignity to this House. Certainly the new preamble we have now under discussion is the worst specimen of all the worst characteristics of the measure which have yet come under our notice. My objection to this preamble, and the reason why I venture for a moment to trespass upon the attention of the Committee is, that it is improper to insert phrases in an Act of Parliament—which is generally presumed to be an embodiment of wisdom and of truth—which are utterly divested either of wisdom or of truth. We do not, of course, expect much wisdom from the Representatives of the Irish Government on the Treasury Bench, but we do expect more truth and honesty from them, than to thrust into the measure a preamble which bears on every line of it a lie. I think that it is time English Members should protest against the indignity which is placed upon them in being compelled to pass such a preamble into law. The absence of wisdom on the part of Her Majesty's Advisers is, I think, sufficiently indicated by the turmoil and the heat of this discussion which their absurdity has provoked. The Government, whatever they may say to the contrary, are the real obstructives to the progress of the Public Business of the country. This Bill is a measure to foster and promote obstruction, and they have introduced it because they know that if they had attempted any other legislative measure they would have been brought into conflict with those crutches — the Unionist Members, on whom they have now to depend for support. In my opinion this clause, and, indeed, the whole of the Bill, will be a direct provocation and instigation to violence and crime in Ireland, although I will not go so far as to say that it is a part of the policy of Her Majesty's Government to do whatever they can to drive the down-trodden and ignorant peasantry of Ireland into irregular and criminal courses. The Chief Secretary has never been able to justify the introduction of this Bill by anything better than anonymous anecdotes and idle tales, which have over and over again been contradicted and disproved. And yet he continues to repeat them in official papers, as if they had never been denied. His Unionist supporters do the same; and I took the liberty of assuring the electors of St. Austell that the hon. Gentleman the Member for Barrow (Mr. Caine) was down there to propagate his policy by repeating these false stories, and I am here to repeat the same charge. I merely mention this as a specimen of the dishonesty by which the proceedings of the Government in connection with this Bill are characterized. They do not hesitate, no matter what contradiction is advanced in this House, to reiterate their calumnies. There has been no proof alleged by the right hon. Gentleman the Chief Secretary (Mr. A. J. Balfour) this morning in justification of this preamble, which is directly levelled against hon. Members on this side of the House, and the people of Ireland generally. This preamble amounts to nothing more or less than an insult to the Irish nation, but it is all of a piece with the policy of Her Majesty's Government. We need not be surprised at anything Her Majesty's Government do. However irregular, and unconstitutional, and revolutionary their proceedings may be I should not be surprised. If we recollect the policy laid down by the Head of the Government last year, it is perfectly obvious this insult is deliberate and intentional; it is simply in pursuance of the declaration by the Marquess of Salisbury at the meeting at Her Majesty's Theatre last year, in which he compared the Irish people to a set of Hottentots. It is hardly worth while discussing whether a preamble is necessary and expedient or not. I think that verbiage of every kind, especially in an Act of Parliament, should be avoided. The less we have of unnecessary words in this Act of Parliament the better it will be for Her Majesty's Government; but if we must have a preamble at all, I think we have a right to ask that it should be put in its proper place, and I therefore suggest to Her Majesty's Government that it would be wise to postpone the discussion of this preamble until we can take it at the regular time—namely, when all the clauses have been gone through. That is not an unreasonable suggestion; because they have already postponed some important parts of their Bill until a more favourable opportunity arises for their discussion. Whether that opportunity will ever come remains to be seen. The Government only got through before the recent short holiday Section 2 of the Bill by means of throwing over the most important part of that section.

THE CHAIRMAN: The hon. Gentleman must address himself more directly to the Question. He is rambling about in a most extraordinary fashion.

MR. CONYBEARE: I will bow to your ruling at once, Mr. Courtney; but perhaps I may say I was only offering a suggestion and giving my reasons for it. If that suggestion is out of Order, I will offer another which, I hope, will not meet with your censure; and that is, that if the Government think it essential that we should have a preamble to this clause, the preamble should run somewhat differently from that they have placed before us. I think this would form a preamble quite as useful and much more truthful than the present, "Whereas the tyrannical Tory Government is bolstered up"——

THE CHAIRMAN: Order, order! The hon. Member is trifling with the Committee.

MR. CONYBEARE: Well, Mr. Courtney, as the preamble I was going to suggest is not one, apparently, that is likely to receive your sanction, I shall certainly not press it upon the Committee.

MR. WALLACE (Edinburgh, E.): There was once a distinguished statesman who said he was unable to draw an indictment against a whole nation. I do not know whether the Chief Secretary for Ireland (Mr. A. J. Balfour) regards that statesman with the respect which his name receives from others. I am afraid the right hon. Gentleman probably looks down upon him with that pretty air of simpering superiority with which it seems to me he is accustomed to survey mankind from China to Peru in general, and from Donegal to Cork in particular. I, however, cherish the deepest respect—respect which I hold in common with all intelligent men—for the name of Burke and the opinions of Burke, and I am not able to join with him in drawing an indictment against the whole Irish nation. I feel that incapability simply because no evidence has been brought before me to justify the indictment. If the Chief Secretary for Ireland insists upon making this general charge against the Irish people, I think, when challenged, he ought to have brought his evidence for the indictment. He has done nothing of the kind. I have listened here with great attention to these Irish debates, as attentively as any Member of this House, and I have heard nothing adduced in the way—I shall not say of convincing evidence—but of evidence at all, to justify such a general and sweeping charge as is contained in the preamble to this clause. We have received nothing from the Chief Secretary except his own personal assurance that he knows that there cannot be fair and impartial trials in Ireland, and that jurors are in danger of their lives, property, and business. But, Sir, we from Scotland have had some experience of general assertions from the present Chief Secretary for Ireland (Mr. A. J. Balfour) in matters of a similar nature. I shall not, because it is not strictly in Order, allude to them further than to say this—that having been in controversy with the Chief Secretary for Ireland as to the rapacity of landlords in the Western Islands of Scotland, and having received a categorical contradiction from him, I think that in face of the statement of the Skye Commission, in which it is proved that landlords have been exacting from their tenants rents from 100 to 120 per cent beyond the true value of their land, the right hon. Gentleman's personal assurances must come to me with a diminished power compared with what I might at one time have been disposed to regard them. If we are to have historical disquisitions inserted into this Bill, if we are to turn the Committee of the House of Commons into an historical association for the time being, our historical disquisitions should at all events be accurate, and we should have evidence produced and have an opportunity of discussing it. I have no desire to enter into any such discussion; I hold that the whole matter is irrelevant. The proposed insertion of a preamble of this description is altogether an excrescence upon the proper business of this Committee. We have nothing to do with it. We are here, not in the interests of scientific criticism or historical investigation, but simply in the interest of practical legislation, and we have enough to do with difficulties in that department without launching out into the *mare magnum* of large and undefined and irrelevant inquiry. The Government are involving us not merely in a matter of ordinary history, but in a matter of difficult and delicate scientific investigation, because in the way in which it is put the question is raised as a question of natural history rather than of civil history. The right hon. Gentleman refers to the peculiar constitution of the Irish nature; because his statement is one upon which there is proposed to be based an enactment for all time. His statement is not founded upon certain accidental peculiarities in Irish history, but upon certain permanent characteristics of the Irish nature. The proposition which the Chief Secretary seeks to establish really come to this—that there is something in the permanent nature of Irishmen which makes fair and impartial trials in that country impossible, and that continuously and for ever exposes jurors to danger to their lives, property, and business. Well, the evidence that I require to convince me of the truth of such a proposition is not simply a few narratives, or even a few historical facts, that may have been gleaned by the Chief Secretary, or by any Committee of this House who may have investigated the matter. We ought to have a special Committee of ethnologists empowered to call for persons, papers, and records. The whole matter, to my mind, is worse than ridiculous. I think there is not only a ridiculous side to it, but a tragic one; and I and others heartily join with the Representatives from Ireland when they resent this preamble as a wanton and deliberate insult to their nationality and to themselves. Nothing can be more insulting than to place a permanent record anywhere against the impartiality, and against the fairness and the order of a whole people. This preamble is insulting in the very last degree. I am afraid that possibly the fact that it is an insult is in the view of the Government a recommendation for it, because I have sat long enough in this House to see that the attitude—the mutual attitude—of the Irish nation and Dublin Castle is one which is unique in the history of civilized society. I require no further evidence than I get from what passes across the floor of this House to know that Dublin Castleism is an insolent and arrogant tyranny. I do not wonder at the spirit of resentment which often animates the Representatives from Ireland who sit on this side of the House, and which impels them to take action and make statements which possibly an absolute standard of abstract propriety would, even in their own minds, occasionally incline them to condemn. I can make every excuse for them when I see the provocation which they daily and hourly almost encounter from the evil spirit of Dublin Castleism. And here we have that spirit in what I may call its perfect embodiment. We have the flower, if there can be a flower proceeding from so degraded a stem—we have here the formal expression of the insolent and unauthorized tyranny which is the animating spirit of what I ventured to call Dublin Castleism. I notice that the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) the other day declared that one of the chief causes of the so-called obstruction in this House was what he called the arrogant speeches that are made in this House by the right hon. Gentleman the Chief Secretary for Ireland, and I understand he further intimated that in his place in Parliament he would not scruple to make good the assertion he had made outside, from the fulfilment of which promise I expect a most edifying and interesting passage of arms between the two right hon. Gentlemen. I, in all seriousness, unite my voice to that of others who have spoken upon this matter in entreating the Government not to persevere in a course which can do no practical good, but which must lead to great practical mischief, and which I can only characterize, if persevered with, as puerile obstinacy indulging in a spiteful and indefensible malignity.

Mr. CLANCY (Dublin Co., N.): I think that after the challenge thrown out by my hon. Friend the Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor) we should have some further reply from the Government. I agree with my hon. Friend the Member for East Edinburgh (Mr. Wallace) that the object of the Government in this preamble is to deliberately insult and exasperate the people of Ireland. There might have been a useful object in this preamble from their point of view if they could have answered the challenge of my hon. Friend (Mr. T. P. O'Connor), if they could have said that this preamble would add anything whatever to the Bill. As they have not answered the challenge, we are entitled to assume that the Bill is complete without this preamble. We are driven by necessity to the conclusion that the only object that they can have is to insult and exasperate and annoy the people of Ireland. We ought not, however, to be surprised at this attitude of the Government, because it is their habitual attitude in respect to the discussions upon this Bill. It might have been thought that upon minor points of this sort the Government would be inclined to give way to the united representation of the Representatives of Ireland. I feel no surprise that they have not acted on that principle—the principle of their existence is opposition to the Irish Representatives. That is the reason why they are seated on the opposite Bench —that is the reason why they are backed up by their friends the Liberal Unionists, and I shall be wholly surprised if, on any point at all, they yield to any representations made by the great majority of the Irish people. A good many reasons have been given why this preamble should be resisted; but my great objection to this preamble is that it is a lie. The words "for securing more fair and impartial trials" imply that trials in Ireland, especially for political and agrarian offences, have been fair and impartial in the past. If that be implied, all we can say is that the statement is an unfounded and notorious falsehood. Go back as far as you like, and it will be impossible to prove that any trial for political or agrarian crime in Ireland has been free from partiality. Undoubtedly this clause is needed to stereotype the practice of Dublin Castle in poisoning and polluting the fountains of Justice, and turning the Courts of Justice into shambles The present preamble is one which contains an unfounded falsehood, and is intended to mislead and misrepresent the state of things in Ireland. That being the case, I have no hesitation in opposing this preamble, and in continuing the discussion upon it until the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) chooses to put an end to it by the new method of getting rid of debate.

MR. CHANCE (Kilkenny, S.): I can readily understand the object of this preamble when I read it in conjunction with the whole of the section. The powers given by the 4th clause must be exercised within the purview of this preamble, and the preamble lays down that it is necessary virtually to remove trials from one county to another for the purpose of—

> "Securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business."

Then the 4th clause goes on to enable the Attorney General to certify. The certificate will be virtually an insistance that the Court shall change the venue of the trial from one county to another. And now the real object of the preamble comes in, because when the section goes on to give an appeal from the order of the Court it throws upon the defendant the duty of moving that the trial can be had more fairly and impartially somewhere else, and on that appeal the Court will, no doubt, quote this preamble as a legislative declaration that the change of venue was absolutely necessary. If we go on to read the language of the latter portion of the section, we discover that once the Attorney General has shifted the trial out of the county in which it ought naturally to be held, even the High Court of Appeal will have no power, in the face of the words of the clause, to send the trial back to the original county. They can send a trial from one county to another, but they cannot send it back to the original county. This preamble lays down two things. The first is that the change of venue is necessary "for securing more fair and impartial trials;" and, secondly, that jurors in a proclaimed district are now subject to "danger to their lives, property, and business." Although in the clause there is a great deal as to fair and impartial trials, there is little or nothing which deals with danger to lives, property, and business. I do not see the object of having such a preamble as this—of laying down a statement and then abandoning it. Therefore, for that reason alone I think the preamble ought not to be passed. In addition to that, I do not see why the preamble should be introduced in the middle of a Bill, when the Bill itself has no preamble whatever. If the preamble were in its usual place undoubtedly it would be subjected to long discussion. I cannot see that this preamble can have any really beneficial operation—the only operation which it can have is to tie the hands of the Court of Appeal.

MR. P. J. POWER (Waterford, E.): Mr. Courtney, it is unquestionably the duty of the Irish Members to protest against this gratuitous insult upon themselves and their country; and I think that in our protest we shall have the support of hon. Gentlemen on this side of the House who have acted with us hitherto in opposing this Coercion Bill, and to whom we, as Representatives of the Irish people, are indebted for their very strenuous endeavours to resist the coercion proposals of Her Majesty's Government. The hon. Gentleman the Member for Northampton (Mr. Bradlaugh) pointed out very properly the result which will flow from this preamble. He said that if the Government continue to persist in retaining this preamble there will be a certain waste of time of the Committee, and considerable exasperation of the Irish Representatives. I think he was justified by the result in making that remark. Even from the point of view of the Government, would not the clause be quite as effective if this preamble were omitted? The preamble will not add to the efficacy of the Bill, and it will not expedite the working of the Bill, while it conveys a most gratuitous insult to the people we represent. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) has said that, as far as he is concerned, it is not intended to offer an insult to the Irish people. Well, Sir, he makes that statement; but I think the action of Her Majesty's Government with regard to Ireland does not confirm the position the right hon. Gentleman has taken up. We, the Representatives of Ireland, say that this preamble does contain a great insult upon the Irish people. The right hon. Gentleman contradicts that assertion; but I think it will be granted that we are more competent to speak for the Irish people than the right hon. Gentleman. The right hon. Gentleman has no acquaintance with Ireland, and he does not take the proper means of obtaining such an acquaintance. In the course of this debate my hon. Friend the Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor) complained of the right hon. Gentleman not making himself more acquainted with Ireland; perhaps it would be better if he would spend a little more time in Ireland. But, after all, I am not surprised that the right hon. Gentleman does not remain long in Ireland, because I imagine that living there must be a most disagreeable duty to him; living in Ireland must bring him face to face with the sickening scenes of barbarity that are perpetrated in that country, with the direct approval of his own Government. Though I disapprove of the *rôle* played by the right hon. Gentleman the Chief Secretary and by the Government in this matter, I have a certain amount of pity for the right hon. Gentleman, because I recognize that he has undertaken a most impossible task.

THE CHAIRMAN: Order, order!

MR. P. J. POWER: I will not pursue that line of argument, Mr. Courtney, as it meets with your disapproval. Now, this preamble sets forth that it is the intention of the framers of the Bill to lessen intimidation, and to get fair trials in Ireland. We maintain that there never has been intimidation practised towards jurors in Ireland when the ordinary law has prevailed in that country. I think the Blue Books presented to this House will prove that no intimidation has prevailed in Ireland in respect to jurors who conscientiously exercised their rights when the ordinary law has prevailed. Perhaps while the ordinary law has not prevailed, and while we have had exasperating Coercion Acts at work in our country there have been some cases of intimidation. It is necessary that the Committee should remember that cases of intimidation really do not occur while the ordinary law prevails, but only when the ordinary law is superseded by a Coercion Act. The right hon. Gentleman the Chief Secretary and the Government wish us to go back to that state of extraordinary law of coercion when intimidation does prevail. I know the cases to which the right hon. Gentleman the Chief Secretary has alluded—they occurred under Coercion Acts which produced a state of things like the state of things which this Bill will produce. As pointed out by the hon. Gentleman the Member for the East Division of Edinburgh (Mr. Wallace), this preamble insults the Irish people, and insults them in the grossest possible way. It makes the assertion that not at one fixed period are the Irish people unfit to perform the duties of jurymen, but it makes the assertion that for all time hence they are incompetent to perform those duties. It makes the assertion that the Irish nation cannot be trusted on their oaths, and that if they are to be put into the jury-box they will commit perjury. These are some of the reasons which make it our duty to protest, while we are allowed, against the imposition of this further insult upon our people. The Government say they do not wish to insult or to outrage the feelings of the Irish people; but I think that their every-day action proves such is not the case. The Prime Minister never opens his mouth in public without insulting the Irish people in the grossest possible way. This preamble says it is the intention of the Government to obtain more fair and impartial trials than they can obtain under the existing law, and they want us to go back to a state of things that existed some four years ago. If hon. Gentlemen opposite wish to know how the jury system worked under the Crimes Act of 1882, I beg of them to read a speech delivered in this House during the Autumn Session of 1884 by the hon. and learned Gentleman the present Solicitor General (Sir Edward Clarke). The hon. and learned Gentleman made a really able speech in what is known as the Maamtrasna Debate, and he criticized the very modes adopted to procure convictions which his Government now wish to re-enact. He went into detail on this subject, and proved that the very system which his Government now wish to re-enact produced perjury and produced the very greatest miscarriages of justice. For these reasons, and for many others which have been urged by Members on this side of the House, it is our bounden duty to oppose the fresh insult which this preamble throws on our people; and in doing that we feel sure that we shall be supported by our Liberal Friends who have acted so loyally with us in withstanding other insults flung at our people.

DR. TANNER (Cork Co., Mid): Mr. Courtney, it is very seldom I get up in this House to congratulate Her Majesty's Government. However, upon the present occasion I must most sincerely congratulate the right hon. Gentleman the Chief Secretary to the Lord Lieutenant for having, in the most gratuitous manner, offered a typical insult to the Irish people. It must strike the most superficial observer — and goodness knows there are superficial observers enough of this 1887 Coercion Act—it must strike the most superficial observer as extraordinary that this is the only clause in the Bill with a preamble. What is the object of this preamble? There is no preamble to the Bill. Then why have this insinuation—this series of insinuations—because we find there are three distinct insinuations brought forward in this preamble? Is it merely to try and make us more angry than sometimes we cannot help feeling? I defy anyone sitting on these Benches not to feel angry at the gratuitous insults which are poured upon the Irish nation and their Representatives. This is a mere wanton insult upon our people, and I sincerely hope that even yet the Chief Secretary, who has sat through this debate, will be led into the right path, and give up this silly emanation from what I must call a vacillating and feeble intellect. Now, this preamble is divided into three sections. First of all, it wants to amend the law relating to the place of trial; and, secondly, it seeks to secure more fair and impartial trials. I am persuaded the first portion of the preamble will not be acted upon in its integrity. You will see that in the case of offences committed in certain districts—say, in Kerry, Clare, and possibly in Tipperary and Connemara—the venue will be changed. Speaking as a Protestant, I affirm that in the cases of Catholics an endeavour will be made to secure trials by Protestant juries, by men who are inspired by the same description of dislike and hatred towards a section of the Irish people which distinguishes the right hon. Gentleman the Chief Secretary. Catholics will be handed over to men who differ from them in religion and politics —handed over for execution, be that execution of the major or the minor degree.

[*A laugh.*] Well, if a man is hanged, that is execution in the major degree. I am perfectly certain, from what I have seen in connection with change of venue in the case of political offences, that this clause will be worked most improperly. To change the venue is practically to hand the people over to their enemies. Now, the second object of the clause is to secure more fair and impartial trials. If you take Catholic peasants from Connemara or Kerry to Dublin, to be tried by the same tradesmen in and about the suburbs of Dublin, and who, as a rule, are Protestants, instead of securing a more fair and impartial trial you will do exactly the reverse. When the second reading of the Bill was proposed we were treated to a series of anecdotes from the right hon. Gentleman the Chief Secretary. When those anecdotes were analyzed the right hon. Gentleman had to retreat from the position he took up. No one made him retreat more precipitately than the midwife of Galway, whom the right hon. Gentleman has been afraid to face, for he has never gone over to Ireland since that highly intellectual lady has prepared a warm reception for him. The anecdotes are too trifling to obtain any credence from rational people. I sincerely hope that hon. Members opposite will see that practically this preamble is a stupid, silly, and foolish production, and that they will use their influence with Members of the Treasury Bench, who are responsible for its production, to get it withdrawn.

Mr. ARTHUR O'CONNOR (Donegal, E.): From time to time during the discussion of this Bill we have had what appears to be a bitter complaint from the Government Bench of the unnecessary consumption of time taken up in the consideration of these clauses. Now, it seems to me that the attitude of the Government with regard to the particular question before the Committee is proof positive of the absolute hollowness and insincerity—I will not say falseness—of the representations which have come from the Government Bench with regard to obstruction. There is no preamble to this Bill at all, large as is the scope and drastic as are the provisions of the Bill. As to this particular clause, it has been considered necessary, or a pretence of considering it necessary is made, to introduce a preamble which does not carry anything further than it would be carried without it—a preamble which has absolutely no affect whatsoever upon the Bill, and for the presence of which not one jot of justification has been adduced. If the preamble were omitted the clause would be equally strong, and the interpretation of the clause by any Judge would be equally simple. Moreover, the preamble is wantonly and gratuitously offensive, offensive in a very peculiar way. It alleges not merely that impartial trial cannot be had, but that the whole class of jurors in Ireland require protection in respect not only to their peace of mind, but to their property, their person, and their lives. To libel the whole people of a country in this gratuitous manner is a thing which is unparalleled in the drafting of a Bill. If anything in the way of a preamble were necessary in connection with this section, it ought to have been introduced in the beginning of this portion of the Bill, because a few lines further up you have the heading—"Special jury and removal of trial." That is where the preamble ought to have been brought in if necessary at all. But I merely rise to emphasize this particular view, which I challenge anyone to dispute or disprove, that the insistance of the Government on the retention of these words, which are offensive and unnecessary, is a signal exemplification of their old policy as carried out in connection with this Bill. They pretend they object to obstruction. They themselves have been obstructing for more than two hours to-day. What is the true policy of the Government? It is this—they want to see the time of the present Session consumed; they are glad to see the time of Parliament consumed as it is now being consumed over this particular Bill. Why? Because it does not suit them to have the Bill got out of the way. They are desirous that the whole Session should be taken up, because they are not themselves prepared to bring forward any other measure they can hope to carry. If this Bill is got out of the way, there is no other point of union between them and the so-called Liberal Unionists. That is the reason why we have seen the Government carrying on the gross and unjustifiable piece of obstruction that has been practised since the beginning of the present Sitting until now—10 minutes to 3 o'clock. I hope the country at large will realize the significance of the position the Government have taken up to-day, which has simply resulted in a profitless waste of half a Sitting, when the Sitting is limited, as it is on Wednesday. We have not had one single word of justification or of reason from the Government in explanation of their attitude. My explanation is this—and I challenge anyone to dispute it—the Government want the time of this Session of Parliament to be consumed over this Crimes Bill, because they are unable usefully to occupy the time of the House with any measure of their own which they can reasonably expect to pass. From time to time, to suit their own malignant policy, they think it necessary to make a show of irritation at what they are pleased to call obstruction. Their irritation is a mere pretence; it is a mere profession held out before the country in order to intensify the hostile feelings which prevail in this country in regard to Irish affairs. But the people of England, having now turned their attention to the matter in a manner they never did before, will be, I believe, able to appreciate the significance of the attitude of the Government, and the hollowness of the charges of obstruction which they make.

MR. T. P. O'CONNOR (Liverpool, Scotland): Mr. Courtney, I do not wish to stand between the Committee and a Division for more than a few moments. The Government are not in a position at the present moment to apply the clôture, but we are perfectly satisfied with the discussion which has taken place. We are still more satisfied with the contrast between the attitude of the Government in insisting upon unnecessary phraseology, and our attitude in bringing the debate to an earlier close than we may have been expected to do.

Question put.

The Committee *divided*:—Ayes 180; Noes 116: Majority 64. —(Div. List, No. 199.) [3.10 P.M.]

MR. MAURICE HEALY (Cork): I desire now, Mr. Courtney, to move an Amendment which does not appear upon the Paper. It is to omit the two enacting paragraphs of the 1st sub-section of the clause. I move this Amendment for the purpose of raising a point again which I have already raised in the form of a Question. I asked yesterday the Attorney General for Ireland (Mr. Holmes) what necessity there was for this provision at all, and I drew his attention to a case which recently came before the Court of Queen's Bench in Ireland—a case in which a man belonging to Kerry was charged with murder and returned for trial. He was an Emergency man, and it was said he could not get a fair trial in Kerry. An application was made to change the venue to Cork, and it was granted by the Court of Queen's Bench. I raised the point yesterday whether it was not the case that the power of the Queen's Bench was limited. I asked the right hon. Gentleman at the time, if the Courts of Law in Ireland had that power already, what was the object of this sub-section designed to give power that existed already? The right hon. and learned Gentleman said that until the proper time came and the point was raised on the details of the Bill he could not give an explanation of the intentions of the Government in inserting this sub-section. He said he should show that in his view the powers the Courts of Law had at present were not sufficiently extensive, or that some obstacle existed in the way of their efficiently exercising their powers. Well, I now wish to obtain the explanation the right hon. and learned Gentleman said he would give of this proposal to introduce into an Act of Parliament, in the form of a new enactment, a provision which he says is already practically the existing law.

Amendment proposed,

In page 3, line 19, to leave out the words "Where an indictment for a crime committed in a proclaimed district has been found against a defendant, or a defendant has been committed for trial for such crime."—(*Mr. Maurice Healy.*)

Question proposed, "That the word 'Where' stand part of the Clause."

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): There exists at the present time a machinery by which a change of venue can be brought about in certain cases at Common Law. The debate on the second reading went on that assumption, and I made that statement at the time to the hon. and learned Gentleman the Member for South Hackney (Sir Charles Russell).

I pointed out that a Common Law case might be removed to the Queen's Bench; that when there an application might be made to enter upon the record a suggestion of change of venue; and that the record might thus be sent down to a particular place for trial. The complicated character of the machinery is such as to render it almost impossible to have a change of venue at Common Law under ordinary circumstances. The time which is consumed is considerable, and that alone is a great objection; accordingly, we find that both in English and Irish law the occasions on which this machinery has been put in motion have been very few. On some occasions the Crown has made application under the provisions of the Common Law in Ireland, with a view of having a change of venue; but it has not been successful more than once or twice. Now and then a change of venue has been allowed on the application of accused persons, because no resistance has been offered by the Crown—the Crown having come to the conclusion that in the interests of justice the application should be agreed to. In a murder case from Cork, I put it to hon. Members whether there would not be as much chance of getting a fair trial in Dublin as in Cork itself? [*Cries of* "No, no!"] Well, I have given the reason why the Government think it necessary to have the alteration in the law proposed in this Bill; and when we come to discuss the various Amendments to be moved to this clause we shall be able to show that, unless the complicated character of the existing machinery for bringing about a change of venue is considerably modified, it cannot be considered reasonably effectual for its purpose. We shall be able to show, generally, that the machinery which exists at the present time must be altered, and that there are other difficulties at present which render a free exercise of change of venue impossible. Such is our object in introducing this clause, and I trust that hon. Members opposite will be satisfied with this explanation, and will allow us to make progress with this section. I trust there will not be a long discussion on the question raised by the hon. Member opposite (Mr. M. Healy).

Mr. MAURICE HEALY: I quite concur in the observation of the right hon. and learned Gentleman that there should not be a long discussion; but he will permit me to say that on the subject before the Committee he has not been so argumentative as he usually is when answering questions from this side of the House. I failed to gather from his speech any reason for making a new legal provision for bringing about change of venue, having regard to the existing provisions of the law. The only tangible thing which I can find in his speech is that he says the procedure under the existing law is of a somewhat complicated character. I object as much as anyone to having a legal procedure in any case which is notoriously complicated; but if there is any class of case which would warrant complicated procedure, it is this case of changing the venue in which a prisoner is to be tried. If the scenes that were enacted under the Act of 1882 are to be repeated, and if unfortunate people from Connemara are to be brought up for trial, I, for my part, shall not regard it as of any advantage to disturb the safeguard which is at present thrown over the liberty of these people in the shape of the complex procedure which the right hon. and learned Gentleman has described. The obtaining of changes of venue will be facilitated by doing away with the complex machinery to which the right hon. and learned Gentleman has referred, and the right hon. and learned Gentleman will see for himself the difficulty of maintaining his position in this argument as to complex procedure. He must see perfectly well that no argument founded on considerations of that kind will be sufficient to warrant such an enactment as this we are discussing; therefore, he has hinted, and he has done more than hint, at some further difficulties of policy that stand in the way of the free exercise of the law as to change of venue. He has stated that, apart from this consideration of complex procedure, there are difficulties in the way of a free exercise of change of venue as it at present exists. I invite him to say what these difficulties are. I have referred him to a particular case. The only ground alleged for change of venue in that particular case was the fear that an impartial trial could not be had in the venue where the trial was originally to take place, and the Government have themselves alleged in this very clause that the ground on which they seek changes of venue under the machinery provided by this Act is because of the fear that impartial trials cannot be had. Is this allegation a sufficient ground for increasing the facilities for change of venue? Is this the difficulty which has to be added to that of complex procedure? The right hon. and learned Gentleman has stated that on a previous stage of this Bill he dwelt more fully on this matter. I regret that I had not the opportunity of hearing what the right hon. and learned Gentleman said, for what he says is generally worth hearing; but I venture to say that if he did not, in reply to the hon. and learned Gentleman the Member for South Hackney (Sir Charles Russell), put forward any more reasons than those he has briefly mentioned to-day, I do not think he could have made out any ground for the introduction in this Bill of a change of venue. Our case is a simple one. The Government admit that under the existing law they have the power to change the venue—that is the case now made by the right hon. and learned Gentleman. He has not pointed out a single difficulty that exists in the free exercise of this power beyond this one difficulty, which he describes as complex procedure, but which I should describe as a series of obstacles most properly thrown in the way of this change of venue by the Courts of Law, in the discharge of their duty of protecting the liberty of the subject and of seeing that this extreme and extraordinary power is not used to oppress people by changing the venue from their own part of the country and cutting them off from their resources and from their districts, taking them to be tried by persons who are strangers to them in every point of view, differing from them in language, in religion, almost in nationality, and alien to them in thought and sympathy. I say the right hon. and learned Gentleman has failed to make out a case for this clause. He has failed to show that there is any ground for strengthening the present law. He has failed to show that the present law is defective, and on that ground I do not think the Government are justified in wantonly hampering and overloading the Bill with this provision.

MR. HOLMES: You must have some power of changing venue, and I only repeat to the hon. Gentleman (Mr. M. Healy) that unless an alteration is made in the law, it will, in practice, be impossible to obtain such a change in venue in many criminal cases where it may be desirable to exercise it. I regret that I am not able to answer questions put to me as clearly and as satisfactorily as the hon. Member (Mr. M. Healy) desires. So far as this point is concerned, however, it is admitted that we are not now to discuss the policy of the clause on the Amendment proposed. I would submit, therefore, that it will be to the interest of all parties for us to go to the consideration of some Amendment upon which there can be something like a profitable discussion.

MR. T. M. HEALY (Longford, N.): I do not think the right hon. and learned Gentleman need debase himself by saying that he is not able to give as clear and satisfactory answers as might be desired. For my own part, I think the answers we receive from him compare most favourably with the replies we receive from his right hon. Colleague, for he, at any rate, is always able to confine himself closely to the point, which other Ministers, as we have seen to-day, are unable to do. Why, Sir, do we raise this point which is now under discussion? It is a substantial point. The right hon. and learned Gentleman says that no change of venue in a serious criminal case has ever been had; but he seems to forget that an Emergency man can get the change of venue with the greatest facility. The absurdity of the thing is that although Emergency men are able to obtain a change of venue when they desire it, we are not able to do so. Why should we not have the same privilege? I agree that it would not be reasonable to prolong this discussion; but, at the same time, it is necessary to point out that on no subsequent Amendment can the Committee discuss the particular point now raised. We have now had an answer from the right hon. and learned Gentleman. He always does manage to give us some answer, but from the right hon. Gentleman the Chief Secretary we get no answers at all—we hear from him nothing but verbiage. I would suggest that the Amendment should be withdrawn.

MR. MAURICE HEALY: I withdraw the Amendment; but, at the same time, I must say that I do not consider that the right hon. and learned Gentleman has given me a satisfactory answer at all.

Amendment, by leave, *withdrawn.*

MR. O'DOHERTY (Donegal, N.): I beg, Sir, to move, in page 3, line 19, to amend the clause, by inserting, after "where," the words "after the passing of this Act." This Amendment comes, I think, with great force now that the Government have got the power to obtain special juries. In all the cases mentioned in the 4th section you can have a special jury, and you can send men for trial and have a choice of venue—in conspiracy cases, for instance, you can send men for trial to the County of Dublin. You can try men for conspiracy wherever any part of the conspiracy is supposed to have taken place, where, in fact, the least act of conspiracy is said to have taken place. In that particular case they have, I will venture to say, power to obtain that which, from their point of view, will be about the best special jury possible to select anywhere. I cannot even except the North of Ireland, for I think it would be difficult to get 12 men in that part of the country to combine in favour of anything that would injure the tenant right in their district. I do not think you could get them. But I will not occupy more time in moving the Amendment than what is necessary to enable me to call attention to this—that in all cases mentioned here which have already occurred where indictments have been granted, or the prisoners have been committed for trial, the Crown has deliberately chosen to put the venue in a particular place, and take the trial before common jurors. A section has been passed which enables them to change common jurors for special jurors. I think it a fair thing to say that the retrospective action of the clause should be limited in extent. The right hon. Gentleman the Chief Secretary for Ireland yesterday, in reply to a similar Motion, asked whether it was proposed that there was to be immunity for all offences committed before the passing of this Act. Nothing of the sort, Sir. The Government have a most tremendous machinery under the 3rd section for punishing everything of that kind, and in the 2nd clause they have a radical change in the method of trying the offences. I put it to every Member of the Committee whether the change made by the 2nd section, affecting trial by Stipendiary Magistrates, with limited power of punishment, is not a much less serious change in the procedure in the trial of a prisoner than while continuing the punishments that the Common Law metes out to particular offences, unmitigated in the slightest degree, to put a man on trial under a change of venue? The argument upon which a retrospective policy was condemned in regard to the 2nd clause applies with much greater force when we come to speak of change of venue.

Amendment proposed, in page 3, line 19, after "where," insert "after the passing of this Act."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): One of the main principles which has guided Her Majesty's Government in the preparation of this Bill has been the conviction that, for some time past, it has been impossible in certain parts of Ireland to get a fair trial. We may be right or we may be wrong in that opinion, but we have constantly maintained it; we advanced the argument on the first and second reading, the argument has been replied to, and the House has decided that our view must prevail. Assuming that we are right, and that for some time past it has been impossible to obtain fair trials in Ireland, it would be manifestly foolish and absurd on our part, having regard to the general character of the Bill, if we were to pass a provision to prevent the application of this clause—by which we hope to give fair trial—to the case of a crime committed to-morrow, or next week, or the week or the day before the Act comes into operation, and prevent the application of what we consider a fair trial to such crime. If there is any basis at all for the contention of the Government, you should not exclude from the operation of this Bill offences which we maintain are now going unpunished by reason of this difficulty of obtaining a fair trial. We ought to be able to avail ourselves of this clause in prosecuting any unpunished offenders for crimes recently committed, or persons who may commit crimes before the Bill becomes law.

MR. MOLLOY (King's Co., Birr): The general policy adopted in passing

Bills in this House has always been not to make them retrospective. When you do make measures retrospective, it is desirable that you should have sufficient grounds for so doing. Assuming that the case the right hon. and learned Gentleman refers to were made out; assuming—which we do not admit—that the contention of the Government that it has been impossible to obtain fair trials in the past is well-founded, and that convictions have not been obtained where they ought to have been obtained, is it, I ask, advisable to make your Bill not a Bill for the prevention of crime, but one of vengeance? Is it advisable, I ask, to let a measure of this kind have about it a great deal of the spirit of revenge? In the answers given from the Front Bench opposite, in the course of the last week or two, we have heard that crime is diminishing in Ireland. The Government take glory for that as if it were their doing. They admit that crime is diminishing in Ireland. The object of all criminal measures is to prevent crime—the object of this Criminal Bill is to prevent crime—but if crime is diminishing in Ireland, that is still another reason why you should not make the measure retrospective. It is lowering the character of the Bill to make it retrospective. I put it on the ground of public policy—if you want to prevent crime, let the past be past. You will find that course of action of much greater assistance to you than that you propose. To deal with retrospective crime you ought to be satisfied with the existing procedure, instead of raking up the past after this Bill becomes law. It is because I think it bad policy to make this Bill retrospective, and not because I want to protect anyone who may deserve punishment, that I support this Amendment. I strongly maintain that it is extremely bad policy, wherever it can be avoided, to allow a Bill to deal with what has already happened.

MR. CHANCE (Kilkenny, S.): The right hon. and learned Attorney General for Ireland says it is impossible to have a fair trial in some parts of Ireland. I deny the accuracy of that statement; but even if it were a good reason, why does he—when his case is that it is impossible to obtain convictions in certain parts of Ireland, and in certain parts only—make this clause apply retrospectively to the whole of Ireland? Obviously the course he is taking is inconsistent. Some months ago the right hon. and learned Gentleman and his Colleague attempted to get a conviction against my hon. Friend the Member for East Mayo (Mr. Dillon) and others for advocating the Plan of Campaign; and having failed in that conviction, although a jury of the County of Dublin was employed, and although care was taken that none but men of considerable substance got upon the jury, the right hon. and learned Gentleman now desires, under this clause, to have the power to send such a case, say, to the County of Antrim. I know the sort of jury you would get in the County of Antrim very well. Speaking to someone very well acquainted with the feeling in that county some time ago, I was assured that if we were taken to the County of Antrim for trial the jurors of that county would only be too anxious to hang us, whether they had evidence against us or not. Those are the sort of people to whose tender mercies the right hon. and learned Gentleman desires to have power to send Nationalist prisoners to for trial. I think the statement of the right hon. and learned Gentleman is inconsistent with the wording of this clause. The clause says—

> "Where an indictment for a crime committed in a proclaimed district has been found against a defendant."

If the only cases in which a change of venue is to take place are cases where crime has been committed in a proclaimed district, it is evident that you cannot properly give a retrospective action to this clause. I respectfully submit that crime committed in a proclaimed district is not crime committed in a district that is not now proclaimed. If that is so, it would seem as if this Amendment is not necessary at all. But in the discussion of the 1st and 2nd clauses we found that the words "committed in a proclaimed district" meant committed in a district that might afterwards be proclaimed. That interpretation seemed to me an abuse of the English language, and if the point were to be raised in an English Court of Law I have not the slightest doubt that that would be the view taken by the Judge. We should not trouble ourselves about it, because we should know that the monstrous construction put upon the words by the Treasury Bench would not be confirmed by the Court. But there is a great difference between Courts of Law in England and Ireland. There is a familiar likeness between the Courts of Law, and the individuals presiding in them, in Ireland now and those you had in England some 300 years ago. I have not the slightest doubt that in the Irish Courts the precise reading of this clause which we hear on the Treasury Bench will be held. It is that which has rendered it necessary to move this Amendment. The Amendment would have been perfectly unnecessary but for the lead given by the Treasury Bench to those who will have to administer this Act. I think this Amendment should be inserted in the Bill to show that the measure must be administered in Ireland as it would be in England or in any other civilized community.

MR. MAURICE HEALY (Cork): The analysis of crime in Ireland for the past six months shows that the number of cases to which this clause could be applied must be exceedingly small. The number of prisoners at the Winter Assizes would have conferred on the Government a power practically analogous to that sought for in this section. It would have enabled them to take criminals from Munster to Cork, from Leinster to Dublin, and from Ulster to Belfast. Under that arrangement, the Government once a-year are enabled to change the venue of trials, and therefore we have practically a clear slate up to the last Winter Assizes in December last, and we are only concerned with offences committed since the last Winter Assizes, and these, owing to the almost complete absence of crime in Ireland, are few in number. The question of this clause being retrospective, therefore, is not of importance in regard to the number of cases that are likely to come under it; but the principle involved is a very serious matter, because, as my hon. Friend has said, it practically reverses the whole of the policy of previous legislation, which has been to make Acts of Parliament apply to cases arising after those Acts were passed, and not to anything of a retrospective character. Of course, the argument of the Government in reply to that is that this is a mere matter of procedure; that they create no new offences; and that it would be absurd to except from the operation of the improved procedure any offences, whether committed before the passing of the Act or not, and to prevent this improved procedure from being availed of for the purpose of bringing criminals to justice. The right hon. and learned Gentleman the Attorney General for Ireland has very properly put the case of a crime that might be committed the week or even the very day before the passing of the Act. He says it would be absurd to rely on the old broken-down judiciary in Ireland for the prosecution of a person for such a crime; but that is not a fair argument; because, in the case of a crime committed just before the passing of the Act, they would not have to rely on the old broken-down judiciary. They have got, under Clause 3 of this Act, a most important qualification of the old machinery. They have got the power of empannelling a special jury in any particular case, and the Committee has already refused to declare that that power shall be restricted to offences committed subsequent to the passing of the Act. It is absurd to say, therefore, that in agreeing to this Amendment the Government would be relinquishing the power of punishing offences committed before the passing of the Act, or that in dealing with those offences they would be compelled to fall back upon the old procedure. I think that is a complete answer to the right hon. and learned Gentleman upon that point. I think we are entitled to an answer from the right hon. and learned Gentleman to the point raised by my hon. and learned Friend. I think we ought to know whether it is intended to deal retrospectively with such cases as that in which my hon. Friend the Member for East Mayo (Mr. Dillon) was concerned. One of the last of the cases which may occur prior to the passing of this Act is that of my hon. Friend, and unless this Amendment is accepted that case would unquestionably come within the powers granted by this clause. We want an answer from the Irish Government upon this point. Do they mean to use the powers of this clause to obtain against my hon. Friend a conviction which they were unable to obtain under the old law? They have announced that their policy will be to administer the Act so as to punish offences committed before the passing of the Act, and they would be within the lines of that policy if they proclaimed the County or the City of Dublin, and tried my hon. Friend under this clause. They would be within their rights in doing that; but I think all would agree with me that a fouler use of a judicial process could not be devised than to use the machinery placed in their hands by this clause in such a way. I do not think any fair-minded man will venture to suggest for a moment that such a use of this power of changing the venue would be a fair, or proper, or reasonable exercise of that power. That being so, I do think that my hon. Friend is quite justified in asking the Government to give us some declaration of their intention upon that point. Do they mean to so misuse and to abuse this power of changing the venue as to apply it to such a case as that of my hon. Friend the Member for East Mayo? Do they mean to attempt, by hook or by crook, whether by this power of changing the venue or not, to obtain the conviction they were not able to obtain under the old law? Do they mean to send my hon. Friend down to Belfast, or to Down, or to send him off elsewhere, for trial before a special jury? I do think this is a most important point. From one point of view I say the Amendment is not of vital importance, because the number of cases it would affect are limited; but as regards this course of action generally it is of vital importance, and as regards the operation of the clause upon my hon. Friend it may be of vital importance. I do think we are entitled to some declaration from the Government as regards the class of case to which I have referred. We are entitled to know whether they do or do not intend to use this power against my hon. Friend.

Mr. O'DOHERTY: Before we go to a Division upon this Amendment, I wish to point out that if the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) would give some answer on the point now raised he would probably save a discussion on the next Amendment. I rather intended to deal with that point on that Amendment. With your permission, Sir, I would say that if the words "after the passing of this Act" are inserted after the word "found," the two Amendments will be covered. I think the right hon. and learned Gentleman did not fairly interpret what I put forward. He spoke of our wishing to give immunity to those offences committed between the passing of this Act and a week or a day prior to it. I spoke of treating offences under this clause so far back as the finding of a true bill by the Grand Jury, and I should not put such cases in the category of offences committed up to within a short period of the passing of the Act. I referred to cases where the Crown had taken proceedings, had gone to the Grand Jury, framed an indictment, and had, perhaps, failed before the petty jury. I mentioned that the Crown had a special jury to go to. The right hon. and learned Gentleman deals with the matter as though we want to prevent all retrospective action whatever under this clause. I only dealt with two particular cases. The action the Government can take now in respect of crimes committed before the passing of the Act will still be open to them. I only object to their taking action under this clause in regard to cases which they could deal with now, but which they will not deal with—in reference to which they are refraining from taking action until they have this Bill. I know they are waiting for this measure in some cases. I wish to save only cases in which the Crown have already taken proceedings; but in no way would the proposal save a man who has committed an offence between this and the passing of the Act.

Question put.

The Committee *divided*:—Ayes 128; Noes 214: Majority 86.—(Div. List, No. 200.) [4.10. P.M.]

Mr. O'DOHERTY (Donegal, N.): I wish now to move an Amendment, in line 19, after "where," to leave out to "or," in line 20, inclusive. My wish is to compel the prosecution to make a motion for it before they are allowed a change of venue. I contend that they should be required to make their motion to change the venue before they have gone to the Grand Jury and had an indictment found, even in the future. That, I think, is an altered aspect of the case. I admit that we have disposed of the question as to whether or not the clause is to be retrospective. It is to be retrospective; but I say that the Crown should be compelled to give justice to a defendant. If they want to change the venue, they should move for an order for such change before they take a man before the Grand Jury. They have no right to double the expense of the defendant, who may have prepared, and in all probability will have prepared, to meet his accusers in one place, and will have in the end to go to another place to be tried. Why should the Crown be allowed to obtain a change of venue after they have taken a prisoner before the Grand Jury? It seems to me it would involve great hardship if they are to be allowed to send a prisoner up for trial in one place, and then, when the trial has really been entered on there, send him elsewhere, after an application to the Court of Queen's Bench to change the venue.

Amendment proposed, in page 3, line 19, after the word "where," to leave out to the word "or," in line 20, inclusive.—(*Mr. O'Doherty.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): So far as I can understand from the hon. Member, he says he moves the Amendment on the ground that if an indictment is found against a man, and after that the venue is changed, the prisoner will be put to a considerable amount of expense. In reply to the hon. Member, I would remind him that there is a clause in the Bill which provides for the payment of expenses. The costs that would be incurred by reason of the change of venue would be paid under that clause. The provision is similar to one in the Act of 1882.

MR. MOLLOY (King's Co., Birr): I should like to ask the right hon. and learned Gentleman the Attorney General for Ireland a question upon this Amendment. I should like to know what opportunity will be allowed to a prisoner to appeal to the Court against a proposed change of venue from the town where he has made his arrangements to conduct his defence, and what time will be allowed him?

MR. HOLMES: It will be observed that it is provided in a subsequent part of the Bill that after an order is made to change the venue an application can be made to the Court within a prescribed period asking it to alter the decision.

MR. MAURICE HEALY (Cork): There is nothing in the first paragraph of the clause to describe the procedure. If there were, I should say the answer the right hon. and learned Gentleman has given is a good one. We think that cases of the kind which have been already described may arise. The right hon. and learned Gentleman may say that the decision on the last Amendment disposed of the question of the retrospective action of the clause, but take this case—a man is charged with murder, an investigation takes place before the magistrates and he is returned for trial. In the general run of cases there is a considerable interval between the time a man is returned for trial and the time an indictment is found. Is it not a monstrous thing that the Government—the Executive—having a long interval of that kind at their disposal, should deliberately wait until an indictment is found, and make their application for a change of venue at the last moment? The result of that would be to put a man to unnecessary expense, and possibly to prevent his getting those he knows and trusts in his own locality to defend him. A change of venue at the last moment might dislocate all his plans and preparations. That being so, are we not reasonable in asking that the Crown should not be allowed to wait until the last moment before making the application for change of venue? Are we not reasonable in asking that in, some form or other, some check shall be put on the Crown? If they make up their minds to put this clause in operation, should it not be done at some fixed time before the trial begins? I do not think anything more reasonable than that could be proposed, and I do not think the right hon. and learned Gentleman opposite has given a satisfactory answer to the point. Can any practical difficulty arise owing to giving a prisoner due notice of change of venue? I do not think so, but it seems to me that great difficulty may result from the defective manner in which this clause has been drafted. I do not see that there is anything in the clause which would prevent a Judge sitting under Her Majesty's Commission at Assizes from saying if he chooses I will go on with the trial. There is nothing in the section which will prevent a trial being delayed until a prisoner has had an opportunity of taking the decision of the Court as to whether the order for change of venue is right or not. Would it not be reasonable to insert in the clause some express Proviso that pending the trial of this motion—pending the hearing of this application for change of venue—the trial should not proceed? The right hon. and learned Gentleman may say it is absurd to suppose that any Judge would think of going on with a trial while a motion of that kind is pending; but strange things sometimes happen in Ireland, and for myself I have not complete confidence in what Irish Judges would do. At any rate, I desire that precautions should be taken against the discretion of the Judges. There should be some express Proviso preventing any miscarriage of justice inserted in the clause itself. We say that there is reason to think that if the Crown Counsel elected to make a change of venue, even on the morning of the trial, he would be able to do so. There is a final point which I wish to mention as regards the inconvenience that would result from the change of venue. What is there to protect the prisoner from the trial taking place at an unreasonable time after the venue has been changed? There is not a word in the clause to provide that any interval should elapse between the time when the change of venue is ordered and the time when the trial commences. We do ask that the prisoner should be protected in this respect. Some Proviso should be introduced to the effect that a reasonable interval should elapse between the order for the change of venue and the time at which the trial is to take place. The cases which the hon. and learned Gentleman the Attorney General for Ireland has referred to do not bear on this point. I think we ought to have some more satisfactory reply from the right hon. and learned Gentleman.

MR. O'DOHERTY: I think the right hon. and learned Gentleman the Attorney General for Ireland has made a mistake in what he said with reference to the costs. I have looked through the 16th clause, and I think that, whilst it clearly provides for the expenses of the second trial, it in no way makes provision for the expenses incurred by the change of venue. The right hon. and learned Gentleman has admitted that these expenses ought to be provided for, but has said that they are provided for. Now, I point out to him that the expenses already incurred are not provided for. If the right hon. and learned Gentleman will consent to make it perfectly clear that they will be provided for, I will withdraw not only this Amendment, but my other Amendments down to No. 6.

MR. HOLMES: What the Crown undertakes to pay is the additional cost incurred in consequence of the change of venue. They could not undertake to pay all costs, but only the additional costs that arise by reason of the change of venue. If we were to pay the costs of what have been called the abortive proceedings, we should be going further than we could be expected to go.

MR. O'DOHERTY: I will not press the Amendment.

Amendment, by leave, *withdrawn.*

MR. MAURICE HEALY (Cork): I beg to move the next Amendment standing in the name of the hon. and learned Member for North Longford (Mr. T. M. Healy)—namely, in page 3, line 19, to leave out "a crime," and insert—

> "Murder or manslaughter, attempt to murder, aggravated crime or violence against a person, arson, by statute or Common Law, or firing at or into a dwelling house."

This is an Amendment which follows the precedent of that moved yesterday on the previous clause, and it limits the classification to which this change of venue shall apply to a particular class of offences. Whatever ground the Government could urge for refusing to assent to such a proposal in respect of Clause 3, I think it would be very difficult to urge any reason which would be accepted by the Committee for refusing to agree to it now, because it simply applies to Sub-clause 1 of this section a definition which the Government have themselves declared to be proper and reasonable in the case of Sub-clause 2. The Government, in drawing Sub-clause 2, have expressed their view that the power to change the venue from Ireland to England should not apply, except in the particular classification described by the Amendment. Now, that being so, what possible reason can they urge for refusing to limit Sub-clause 1 to the same class of offences? I really think, Sir, that there will be some difficulty in replying to this argument. I could very well understand the Government to argue that in regard to both Sub-clause 1 and Sub-clause 2 the number of offences would be somewhat extended. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) suggested one offence yesterday which might, perhaps, be reasonably included in both sub-sections—namely, blowing up with dynamite. But we are not at present discussing whether a particular offence shall or shall not be included in the category, but whether it shall be limited to a particular class of offence. Now, if you admit that Sub-section 2 must be limited to a particular class of offence I think it follows that Sub-section 1 must also be so limited. No reason exists why you should extend the provisions of Sub-clause 1 one jot or tittle beyond the limits of Sub-clause 2. That is the reason why I press this Amendment. I have only to say in addition that I think the Government have acted very wisely in limiting Sub-clause 2 in the manner they have done. As I understand it, they have limited the sub-section to crimes of what I may describe as a non-political character, crimes that violate the moral law, and which shock persons, no matter what their political views may be. They have declared that it is a proper thing to limit Sub-clause 2 in this way, and that it is not reasonable or expedient that political offenders should be tried by being transferred from Ireland to England. If that be so, surely it is also reasonable and expedient that political offenders should not be transferred from one part of Ireland to another. It is not an improper thing to ask that the Government should not take powers to try political prisoners in Belfast, for instance. That would be a far more dangerous and improper venue than an English one. The principle on which the Government, as I understand, have proceeded in regard to Sub-clause 2 ought to be applied also to Sub-clause 1.

Amendment proposed,

In page 3, line 19, to leave out the words "a crime," and insert the words "murder or manslaughter, attempt to murder, aggravated crime or violence against a person, arson, by statute or Common Law, or firing at or into a dwelling house."—(*Mr. Maurice Healy.*)

Question proposed, "That the words 'a crime' stand part of the Clause."

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): I think I might almost appeal to hon. Gentlemen below the Gangway as to whether it is necessary to repeat the discussion on this Amendment. The arguments brought forward in support of it yesterday are almost the same as those which could be used in its favour to-day. However, I will answer what the hon. Member for Cork (Mr. Maurice Healy) has said. The reason for limiting what he calls Sub-clause 2 really does not apply to Sub-clause 1. That which has been pointed out by my right hon. Friend the Chief Secretary for Ireland (Mr. A. J. Balfour) is really an exceptional matter. The change of venue from one county to another, both in England and Ireland, when it has been applied under the old procedure, has been applied to all indictable offences, and it is not necessary to alter that practice now.

Mr. CHANCE (Kilkenny, S.): We are always ready to accept, if it be possible to do so, any suggestion from the Attorney General for England (Sir Richard Webster), because he always states a case fairly; but we do feel it necessary to press this Amendment. I cannot conceive why the Government should decline to limit this particular sub-section to the same offences as those to which they limit Sub-section 2. I think I might appeal to the common sense of any Member of the Committee to say that the Old Bailey in London would be a far more impartial tribunal than a jury headed by Justice Lawson or Justice O'Brien. An English Court would probably be presided over by a Judge like Justice Stephen; and I would draw attention to the fact that when an Irishman, who was tried before Justice Stephen for a dynamite offence, and who was sentenced to 20 years' penal servitude, was asked whether he had anything to say as to why sentence should not be pronounced, he said he had to thank the Judge for the fair and impartial trial which had been accorded to him. I do not think that any such episode ever occurred in an Irish Court, and I do not think that any prisoner in Ireland could, with any sense of decency or fitness, thank an Irish Judge for the protection accorded to him. I would also remind the Committee of the feeling which exists in the North of Ireland. Prejudice has been created against us in the English Metropolis by the libels which have been circulated by the London Press. But judging from the conversations one hears in railway carriages, and so on, the people of London would be looked upon by us as angels compared with those in the North of Ireland. If, therefore, it is necessary to exclude from the constituents of the First Lord of the Treasury (Mr. W. H. Smith) in London the trial of certain offences, it would be necessary to exclude them also from jurors in the North of Ireland. This becomes doubly necessary when you have trials by jurors who would really be grand jurors. The position is this—you are sending to the jury men who, in addition to being landlords, are bitter anti-Nationalists, and whose every verdict may put money into their own pockets. I cannot see how the Government, having applied this limitation to Sub-section 2, can now refuse to apply it to the 1st sub-section.

Question put.

The Committee *divided:*—Ayes 231; Noes 130: Majority 101.—(Div. List, No. 201.) [4.45 P.M.]

MR. T. M. HEALY (Longford, N.), in moving as an Amendment, in page 3, line 20, to leave out the words "or a defendant has been committed for trial for such crime," said, that he thought it was only reasonable that an indictment should be found against a defendant in the locality where the crime was said to have been committed before there was a change of venue. It seemed to him that defendants were at least entitled to that protection, and he hoped therefore that the Government would accede to the Amendment.

Amendment proposed, in page 3, line 20, to leave out the words "or a defendant has been committed for trial for such crime."—(*Mr. T. M. Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I agree that an indictment may, in some cases, be found before there is a change of venue; but the adoption of this Amendment would necessitate the finding of an indictment in all cases in the county where the offence was committed, and to that I could not consent.

MR. T. M. HEALY: The observations of the right hon. and learned Gentleman would apply equally to cases where the change of venue is from Ireland to England, as to cases where the change of venue is from one county in Ireland to another. I must say I think that if men are to be brought for trial from Ireland to England, the least guarantee we can have for the fairness of such a proceeding is, that the indictment should be first found by an Irish Grand Jury. I would ask the Government whether they intend, in the case of English trials, that Grand Juries shall find the bills in Ireland?

No reply being given to the question,

MR. T. M. HEALY: I will withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. T. M. HEALY (Longford, N.), in moving as an Amendment in page 3, line 22, after "Assize," to insert "other than a Winter Assize," said: The Government have already the power to change the venue, for the purposes of the Winter Assizes, to any town in the same province wherein the crime was committed. In the exercise of that power they have, for the convenience of the counsel engaged in the cases, brought unfortunate people, together with the witnesses to be called on these trials, from Waterford to Dublin, a distance of 200 miles. Having got this extraordinary power to change the venue at the Winter Assizes, what more do you want? You can hold the Winter Assizes in any county of a province that you please; and, being able to do that already, it seems quite unnecessary, even for your own purposes, to take the additional power which this clause would confer upon the Government.

Amendment proposed, in page 3, line 22, after the word "Assize," to insert the words "other than a Winter Assize."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The power proposed to be conferred upon the Government by this clause as it now stands is necessary, because it might happen that the town fixed upon for holding the Winter Assizes is peculiarly unsuitable for the trial of a particular case. Belfast, for instance, might be the town for the Winter Assize; and not only has the hon. and learned Gentleman himself said that particular cases should not be allowed to remain for trial in Belfast; but I, myself, have said that if I had had the power to prevent it, I would not have allowed a particular case to have been tried in Belfast. The same thing may be said as to the trial of particular cases in the county of Tyrone and other counties. As there may thus be cases in which it is not desirable that trials should take place at the Winter Assize town appointed for a province I must resist the Amendment.

Mr. T. M. HEALY: There are two ways in which the difficulty raised by the right hon. and learned Gentleman may be met. One is not to make Belfast a Winter Assize town, and the other is that if you do make it a Winter Assize town, and it is undesirable to try a particular case there, you should then postpone the trial of that case to the ordinary gaol delivery in the spring. Or you might before December obtain an order for a change of venue from the Queen's Bench Division, and then you will not be troubled by the provisions of the law with respect to the Winter Assizes and gaol delivery. I would submit with confidence to any Tory Member opposite that if you group the five counties of a particular province into one county for the purposes of a Winter Assize, that gives you all the change of venue you want. I ask, therefore, why is this further provision for a change of venue wanted? The reply is, that there may be some cases which might not be properly triable in a particular county. To that I answer—"Why, then, try them in that county?"

Mr. MAURICE HEALY (Cork): The very case to which the right hon. and learned Attorney General for Ireland has referred is in direct contravention of his argument against this Amendment. He evidently alluded to the case of the Walkers, when he said that if it had been in his power he would not have had them tried at Belfast. But they were, in fact, tried at Armagh, and not at Belfast. Moreover, they were tried at the Spring Assizes, and it was because they were tried at the Spring, and not at the Winter Assizes that there was not the power to change the venue. Now, what does the right hon. and learned Gentleman mean? He means this—that the Government contemplate a state of things arising in Ireland under which such will be the state of turmoil and excitement—that in a whole province there will not be a single spot where it will be safe to try a prisoner. That is what the argument of the Government comes to. Therefore, it amounts to this—that the Government have so little confidence, even in their special jury system and their right of unlimited "stand-bye," that they now declare they anticipate a state of things will arise in Ireland under which they cannot rely on being able to try prisoners in any county of the province in which the offence is said to have been committed. Instead of limiting their Bill to what, from their point of view, may be its legitimate objects, they are, in fact, seeking to extend it to all cases.

Question put.

The Committee *divided:*—Ayes 120; Noes 230: Majority 110.—(Div. List, No. 202.) [5.10 P.M.]

Mr. MAURICE HEALY (Cork), in moving as an Amendment, in page 3, line 23, after "county" to leave out the words "or borough," said, the clause as it stands is without meaning; it is even nonsensical. In the boroughs of Ireland there never has arisen the smallest necessity for a change of venue. The right hon. and learned Gentleman opposite will, I am sure, bear me out in this—that from time out of mind, whatever may have been the state of things in the counties of Ireland, there has always been the greatest peace and quietness in the boroughs. In a great number of cases during recent years the Judges in boroughs have been presented with white gloves, in consequence of there being no prisoners for them to try. I am sure that if we had a list of the instances in which this has occurred the Committee would be astonished at the small amount of crime or disorder which has existed in these boroughs. That being so, and such being the state of things existing in the case of the Irish boroughs, what is the necessity for branding these places, which are always so free from crime, with this disgraceful imputation—that the Crown cannot trust their juries to do justice in criminal cases. Or, why should the Government say that they find it necessary to have a change of venue in order to get a fair trial? The right hon. and learned Gentleman the Attorney General for Ireland will not deny the facts I have stated; nor will he contest this further fact, that the Executive Government of Ireland have such a high opinion of, and so much confidence in, the jurors of Irish boroughs, that they always resort to those boroughs when they want to get an impartial trial. It is one of the constant complaints of the jurors of the City of Cork, that while the Winter Assizes Act enables the Government to fix trials where they choose, they have invariably selected the jurors of the City of Cork for discharging the functions of jurors for the whole province of Munster. They have, in fact, transferred to the jurors of Cork the criminal work of the whole of Munster at the Winter Assizes. That being the opinion which the Government entertain of these jurors, why should a slur be cast on them by saying that the Government think it necessary to ask Parliament for power to remove trials from boroughs. I think the right hon. and learned Gentleman will have great difficulty in defending this provision, or in showing that there is any reason for extending to boroughs the provisions which are applicable to counties. I must say, however, that I have placed this Amendment on the Paper without any great anticipation of its being agreed to; for the attitude which the Government have assumed seems to render it very improbable that they will assent to any Amendment proposed from this quarter of the Committee. But, as the Representative of an important Irish Borough, I did not think it right to let the occasion pass without protesting against the imputation cast on the boroughs of Ireland.

Amendment proposed, in page 3, line 23, to leave out the words, "or Borough." —(*Mr. Maurice Healy.*)

Question proposed, "That the words 'or Borough' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I admit that what the hon. Member has said about the jurors in boroughs is generally true. He has said that in his experience he has never known of any necessity arising for a change of venue from boroughs. But I can tell him of a case within the last 10 months in which it was desirable to have a change of venue from a borough. I allude to the case of the Borough of Belfast. There was extreme excitement there within the period I have named; and I was told by the Crown Solicitor that it was impossible to get convictions in certain cases. I should have been very glad if the power to change the venue given by this clause had then existed, and could then have been used with reference to the borough of Belfast. Under these circumstances, I cannot assent to the Amendment; but must adhere to the present provisions of the Bill.

MR. MAURICE HEALY: I maintain that there is no necessity for this provision. In the case of Quarter Sessions, it is always in the power of the Crown to say—"We won't prosecute at Quarter Sessions. We will have the case sent to the Assizes;" and when this is done, the County Court Judge always sends the case to the Assizes. But, if he were to refuse to accede to the application of the Crown Solicitor, the Attorney General can enter a *nolle prosequi*, have the case reheard, and have it sent either to the Winter or other Assizes. The case cited by the Attorney General for Ireland as an argument against me is an argument in my favour. If he thinks that a Borough Court of Quarter Sessions is not a proper tribunal for the trial of any case, let him give directions to his subordinates that such a case should be sent to the Assizes, and tried there.

Question put.

The Committee *divided*:—Ayes 215; Noes 111: Majority 104.—(Div. List, No. 203.) [5.30 P.M.]

It being a quarter of an hour before Six of the clock, the Chairman left the Chair to report Progress; Committee to sit again *To-morrow*.

EMPLOYERS' LIABILITY ACT (1880) AMENDMENT BILL.—[BILL 38.]

(*Mr. William McDonald, Mr. Arthur O'Connor, Mr. Sexton, Mr. Chance, Mr. Clancy.*)

SECOND READING.

Order for Second Reading read.

MR. ARTHUR O'CONNOR (Donegal, E.): I wish to ask if the Government have any objection to the second reading of this Bill being taken, not now, but at an early date, with a view to the probability of the Government Bill on the same subject not being brought on, or not being taken up in time to be passed this Session. The Act of 1880 will expire at the end of this year, or at the end of the then next Session of Parliament. It is, therefore, absolutely necessary that some Act on the subject should be passed—[" Order, order! "]—I am only making an inquiry as to the intentions of the Government. This Bill is founded on the lines—[" Order, order! "]

Mr. SPEAKER: The hon. Member is not entitled to discuss the Bill.

The SECRETARY of STATE for the HOME DEPARTMENT (Mr. Matthews) (Birmingham, E.): I may say that this Bill was only circulated this morning. I have not yet had time to read it, and I cannot, therefore, say what course the Government will take with respect to it.

Mr. ARTHUR O'CONNOR: Will the Government allow the Bill to be read a second time, if they find that they cannot proceed in the present Session with their own measure? [" Order, order! "]

[No reply.]

Second Reading *deferred* till *Thursday* 23rd June.

MOTION.

LOCAL GOVERNMENT PROVISIONAL ORDERS (NO. 8) BILL.

On Motion of Mr. Long, Bill to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Burnley, the Urban Sanitary District of Folkestone, the Local Government District of Garw and Ogmore, the Rural Sanitary District of the Newport (Mon.) Union, and the Borough of Stafford, *ordered* to be brought in by Mr. Long and Mr. Ritchie.

Bill *presented*, and read the first time. [Bill 286.]

House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, 9th June, 1887.

MINUTES.] — Public Bills — *Committee* — Smoke Nuisance Abatement (Metropolis) (43), *discharged.*

Third Reading — Hyde Park Corner (New Streets) * (79), and *passed.*

SMOKE NUISANCE ABATEMENT (METROPOLIS) BILL.

(*The Lord Stratheden and Campbell.*)

(NO. 43.) COMMITTEE.

Order of the Day for the House to be put into a Committee read.

Lord STRATHEDEN and CAMPBELL said, he had been requested by the Government to postpone the Committee stage of the Bill, and of course he had no alternative but to comply with that request. The Bill was read a second time on the 9th of May, the Committee was then put off to this day at the request of the Government, and now a further postponement was asked for. The Government having assented to the second reading, he had no right to assume that they were in the least opposed to the objects of the Bill, and it was only a question of the way and the machinery by which those objects should be attained.

Earl BROWNLOW said, that on the part of the Government he had to thank the noble Lord. The fact was the Bill dealt with a matter of great importance, and, having quite lately assumed the responsibility of representing the Home Office in that House, he had to ask the noble Lord in charge of the Bill to give him a little time to master the facts of the case and the questions that were involved.

Order *discharged;* House to be in Committee on *Monday* next.

House adjourned at a quarter before Five o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS,

Thursday, 9th June, 1887.

MINUTES.]—Public Bills—*Second Reading*— Conveyancing (Scotland) Acts Amendment * [270].

Committee—Criminal Law Amendment (Ireland) [217] [*Fifteenth Night*]—R.P.

Considered as amended—Third Reading—Trusts (Scotland) Act (1867) Amendment * [225]; Municipal Corporations Acts (Ireland) Amendment (No. 2) [176], and *passed.*

PROVISIONAL ORDER BILLS—*Report*—Water * [250]; Local Government (No. 2) * [261]; Local Government (Poor Law) (No. 3) * [260]; Local Government (Gas) * [259].

QUESTIONS.

—o—

NORTH AMERICAN FISHERIES—CANADA AND THE UNITED STATES—THE FISHERY DISPUTES—A NEW COMMISSION.

MR. GOURLEY (Sunderland) asked the Under Secretary of State for Foreign Affairs, What progress has been made towards a settlement of the Anglo-American Fisheries disputes since the despatch of the Marquess of Salisbury's proposals of the 24th March; whether it is correct, as reported in *The Times* of Saturday last, that the Canadian Government has, on the advice of the Imperial Government, agreed to propose the appointment of a new Fishery Commission, to meet a Commission to be appointed by the United States; and, whether, in the event of such an arrangement being arrived at, it is intended that the Imperial Government shall be represented by Special Commissioners?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): No reply has been received to the proposals of Her Majesty's Government, and it would be premature to announce what course may be taken.

MR. GOURLEY said, that the right hon. Gentleman had not answered the latter part of his Question.

SIR JAMES FERGUSSON: Her Majesty's Government have received no information which would enable them to say whether the statement is correct.

EVICTIONS (IRELAND)—MISCONDUCT OF AN "EMERGENCY MAN."

MR. HOOPER (Cork, S.E.), asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has received any affidavits to sustain the allegation that an emergency man named Denis Lynch, engaged at the eviction of a tenant named Barrett, at Monkstown, County Cork, while under the influence of drink, presented a revolver at a number of women in Barrett's house, though no resistance was being offered to the eviction; and, if so, what steps the Executive will order in the matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said, he had received affidavits on this subject since answering a Question previously put by the hon. Member. As regarded the concluding portion of the Question, he had nothing to add to the reply he gave the hon. Member before.

MR. HOOPER: Does the right hon. and gallant Gentleman remember stating in this House, three weeks since, that the police could find no information to justify these allegations, though it is stated in one of the affidavits made by the tenant's wife that she informed the Head Constable that the man was guilty of this conduct, and that she was able to sustantiate these charges on oath? Under these circumstances, will the right hon. and gallant Gentleman warn his subordinates not to deceive this House by giving false information in these matters?

COLONEL KING-HARMAN said, the answer he gave on a previous occasion was that the proper course for the parties who were aggrieved to pursue was to proceed by warrant.

MR. HOOPER: If the Head Constable was aware that the woman had stated that this man was guilty of this conduct, was it not his duty to suggest the proper course for the woman to pursue?

COLONEL KING-HARMAN said, he was not aware whether the Head-Constable did so or not; but it was no part of their duty to give advice on such matters.

IRISH LAND COMMISSION—GLEBE LAND PURCHASERS.

MR. DILLON (Mayo, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that the Land Commission in Ireland has lately instituted proceedings for arrears against several of the glebe land purchasers; and, whether, if so, he will cause these proceedings to be suspended until the Government are in a position to state what measure they intend to introduce for the relief of these men?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: It is the fact that the Land Commissioners have been obliged to commence proceedings for the recovery of arrears due by certain glebe purchasers. The Government are extremely anxious not to press unduly upon such purchasers in hard cases; but they can hold out no hope of any remission of the debt due to the State. The subject of the glebe purchasers is under consideration; and the Government will be prepared to make a statement with regard to it by the time when the Irish Land Law Bill, now being considered in "another place," is introduced into this House.

MR. DILLON said, the right hon. and gallant Gentleman would not answer the point of his Question, which was this—proceedings were now in progress against certain of these glebe purchasers, piling costs upon them, and threatening them with evictions for sums which they were not able to pay; and what he wanted to know was, whether the Government would not consider the desirability of suspending these proceedings until such time as they were placed in possession of the measures of relief?

COLONEL KING-HARMAN said, the action of the Land Commissioners must, of course, be guided by the circumstances of each case. In hard cases they will, no doubt, suspend proceedings, so far as they justly can, pending the promised statement of the Government.

GREENWICH PARK.

MR. BRADLAUGH (Northampton) asked the First Commissioner of Works, If he will state the total area of Greenwich Park; from how much of the Park the public are excluded, and for what purposes; whether any individual makes any profit from any of such parts of the Park; and, whether he will state the quantity of land used with the Ranger's House; by whom the land is actually held; and under what conditions as tenant or otherwise?

THE FIRST COMMISSIONER (Mr. PLUNKET) (Dublin University): The total area of Greenwich Park is 185 acres and 24 perches. The public are excluded from 1 acre 3 roods 29 perches, occupied by the Royal Observatory; 15 acres 2 roods 1 perch of deer enclosure; 1 acre 2 roods 18 perches of nursery gardens; and 3 roods 25 perches for the reservoir. Besides these, there is the Ranger's lodge and the grounds attached to it, 16 acres and 28 perches. This is held by Lady Mayo, widow of the late Earl of Mayo, as a "grace and favour" residence. No individual makes any profit on any part of the Park.

MR. BRADLAUGH asked, whether any portion of the last mentioned 16 acres was sub-let? He was informed that this was the case.

MR. PLUNKET said, he did not think that was the case; but he would make inquiries into the subject.

HARBOUR LOANS—MEMORANDUM OF BOARD OF TRADE, 1886.

MR. R. W. DUFF (Banffshire) asked the Secretary to the Treasury, If he will lay upon the Table of the House Board of Trade Memorandum of 5th March, 1886, also Letter of 19th of same month, referred to in Treasury Minute of 4th May, on Harbour Loans, recently presented to the House, and any correspondence with Board of Trade respecting said Minute?

THE SECRETARY (Mr. JACKSON) (Leeds, N.): I will consult the Board of Trade, and if they do not object, I shall not oppose a Motion for a Return of the Memorandum of March 5, 1886, and of the Board of Trade Letter to the Treasury of the 19th of the same month; but as the recent Treasury Minute about Harbour Loans embodied the results of a conference between the various Departments concerned, I see no object in laying subsequent correspondence on the Table of the House.

MR. R. W. DUFF said, his point was whether the Board of Trade did not think that the collateral security asked by the Treasury should be dispensed with in certain cases?

MR. JACKSON said, he thought the hon. Member would find the Board of Trade's view expressed in a letter which he had evidently full knowledge of, and which was referred to as the letter of the 19th of March.

CEYLON—DOCK ACCOMMODATION AT COLOMBO.

SIR ROPER LETHBRIDGE (Kensington, N.) asked the Secretary of State for the Colonies, Whether Her Majesty's Government, in considering the question of dock accommodation in Indian waters, have received any Reports on the capabilities of the Colombo Harbour for the construction of docks suitable for the largest ironclads; whether the central position of Colombo for vessels from all parts of the Indian seas, together with the completion of the Colombo Breakwater, and the recent vote by the Ceylon Legislature of a sum of money for the defences of the port, have been considered in reference to this question; and, whether Her Majesty's Government would be disposed to grant a subsidy, or afford any other encouragement to a Company providing the funds for such a purpose?

THE SECRETARY OF STATE (Sir HENRY HOLLAND) (Hampstead): A Report has been received by Her Majesty's Government from Sir James Coode, who designed the Colombo Breakwater, as to the special suitability of constructing a graving dock fit to receive Her Majesty's ships at Colombo. For this purpose it is considered highly desirable that the harbour should be completed by the construction of a northern arm, which has for the present been postponed. The new defences about to be constructed at Colombo have not been decided on with reference to the proposed graving dock; but will, of course, be of advantage to that project. An offer, on behalf of Her Majesty's Government, to aid in the construction of the graving dock was referred to the Governor of Ceylon last November, and was communicated by the Governor at the end of December to the Colombo Chamber of Commerce, but nothing further has been done in the matter at present; and my Predecessor, writing in January last, told the Governor that, while still awaiting a reply to the despatch of November, he considered that the question of the completion of harbour works and the construction of a graving dock must be postponed till the Colonial Revenue could better afford this and other public works. Pending the receipt of a reply from the Governor, I can express no opinion as to whether the proposed scheme can be entrusted to a private Company; but, in such case, no guarantee could be given by the Colonial Government.

POOR RELIEF (IRELAND) INQUIRY COMMISSION, 1887—COMPOUND RATING OF OCCUPIERS.

MR. J. E. ELLIS (Nottingham, Rushcliffe) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the following paragraph in the Report of the Poor Relief (Ireland) Inquiry Commission, 1887, page 12:—

> "It might be supposed that in these congested districts the majority of the occupiers are rated under £4, and are not liable, therefore, for the payment of poor rates. It was stated in evidence, however, that a custom prevails in some of these western unions of joining together a certain number of small occupiers, valued severally under £4, as tenant 'in Co.' on the rent roll. Thus, although they occupy distinct holdings, the aggregate value of the 'Co.' tenancy is raised to above £4, and the landlord is able to evade his liability for the entire of the poor rate which he would have to pay if the ratings were separate. We found other cases, noticeably on the property of Lord Sligo, where no reduction in respect of poor rates was allowed in the rent to tenants above £4, and where the tenants valued below that amount were also obliged to pay all rates. This arrangement appears to be opposed to the principle of the Act of Parliament; and, although it is a fact that in some cases the rent has been reduced by the Land Commissioners in consequence, still, as rates have a tendency to rise in these years of depression, it is likely that the tenant, whose rent was reduced some years ago, will bear an undue share of public taxation;"

and, whether the Government propose to take any steps with a view of protecting the tenants from these alleged contraventions of law by certain landlords?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet): As my attention has been particularly called to this matter, the hon. Gentleman will allow me to answer it.

MR. J. E. ELLIS: I would remind the right hon. and gallant Gentleman that the Chief Secretary stated that when any question of policy arose he would himself answer.

MR. SPEAKER: Order, order! Colonel King-Harman.

Several Irish MEMBERS (to Mr. J. E. Ellis): Go on.

MR. J. E. ELLIS: Mr. Speaker.

MR. SPEAKER: Order, order!

COLONEL KING-HARMAN: Where tenants in Ireland are rated under £4 the landlord cannot throw upon them the obligation of paying any portion of the poor rates, and if the landlord on any pretext attempts to contravene this provision, I am advised that the existing law is sufficient to protect the tenants; nor can the landlord evade his legal obligation by joining together a number of occupiers who are rated severally under £4.

Mr. CONYBEARE (Cornwall, Camborne) asked, whether the right hon. and gallant Gentleman was not aware that in Glenbeigh and other places the landlords had most shamefully evaded their legal obligations in this respect?

Colonel KING-HARMAN said, he was not aware that any such charge was made in the case of Glenbeigh. He was only aware of its having been made with regard to Galway, and, he believed, in some parts of County Mayo. He never heard of the matter before with regard to Glenbeigh; but he would inquire, and give the hon. Gentleman what information he could obtain.

Mr. EDWARD HARRINGTON (Kerry, W.) inquired, whether the right hon. and gallant Gentleman was not aware that the practice prevailed on the estates of Lord Bantry, Mr. Rowland Winn, and on several other estates in the South of Ireland; and, whether, as a landlord, he (Colonel King-Harman) did not know as a fact that the practice was common in Ireland?

Mr. CONYBEARE asked the Attorney General for Ireland, whether there were no means of bringing these landlords to justice, if it could be proved that they had been guilty of these illegal acts?

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University) replied that if the hon. Member would put him in possession of any circumstances which he thought would be a foundation for legal action, he would very carefully consider the statement put before him and would give an answer upon it; but he certainly could not answer an abstract question of this kind, of which no Notice had been given.

Mr. J. O'CONNOR (Tipperary, S.) asked, whether the right hon. and learned Gentleman would be good enough to look over the records of the Local Government Board, and to see the Report which was made before the Commissioners in the case of——

Mr. SPEAKER: Order, order!

EVICTIONS (IRELAND)—THE EVICTIONS AT BODYKE.

Mr. CONYBEARE (Cornwall, Camborne) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the descriptions in *The Pall Mall Gazette* of the evictions at Bodyke, and in particular to the statement that one of the bailiffs more than once threw his crowbar through an opening made in the walls of the houses, regardless of the fact that there were women and children inside; whether these men are men of respectable character; or, if not, whether they are in any, and how many, cases convicts or ex-convicts who have been in prison for various crimes; whether these men are employed by the Sheriffs or by the landlords' agents; and, whether, in any case, he will order that they shall be kept under more effective control, in order to prevent murder from being added to the other horrors of the evictions?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: I have been unable to obtain the information necessary to answer this Question, owing to the short Notice given.

Mr. CONYBEARE: I shall repeat the Question, and I desire to put it to the Chief Secretary, and not to the Under Secretary.

NORTH SEA FISHERIES CONVENTION 1882—THE EAST COAST DRIFT NET FISHERIES.

Sir EDWARD BIRKBECK (Norfolk, E.) asked the Under Secretary of State for Foreign Affairs, Whether any further communication has been received from the Belgian Government relative to the enforcement of the provisions of the North Sea Fisheries Convention of 1882, with the view of preventing a recurrence of the depredations on the East Coast Drift Net Fisheries; and, if not, whether he will direct Her Majesty's Representative at Brussels to urge the Belgian Government to co-operate with Her Majesty's Government, in order to give effect to the suggestions contained in the recommendations of the Committee appointed by the President of the Board of Trade in December last?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): Her Majesty's Government have been in communication with that of Belgium on the subject ever since the Report of the Board of Trade

Committee has been received. The Belgian Government have cordially entertained suggestions for the better prevention of infringements of the Convention; and Her Majesty's Government will not fail to support the chief recommendations of the Committee.

PUBLIC WORKS (IRELAND)—ARTERIAL DRAINAGE—THE BARROW VALLEY AND THE BANN DRAINAGE)—THE SUBVENTION OF £50,000.

MR. ARTHUR O'CONNOR (Donegal, E.) asked Mr. Chancellor of the Exchequer, Whether the Government have yet decided as to the particular mode in which the £50,000 proposed to be taken for public works in Ireland is to be expended; and, whether, in view of the immense damage annually caused by floods in the valley of the Barrow, in insalubrity induced thereby, the impossibility of properly draining such places at Portarlington, and other centres of population, and the strong representations made by a series of Commissions and other authorities on the subject, he will cause arrangements to be forthwith made for carrying out a general scheme for dealing with the main channel of the Barrow, from Mountmellick to Carlow, in the present summer?

MR. T. M. HEALY (Longford, N.) also asked the right hon. Gentleman, with reference to the disposal of the £50,000 to be given to Irish works, and to his statement that the Government would at once direct the necessary surveys to be made, in order to enable them to decide how far they could carry out the recommendations of the Irish Public Works Commission in regard to arterial drainage. Is he aware that two Government surveys have been made as to the Bann drainage, that two Royal Commissions have reported in favour of the work, and is it intended to make a third survey of the Bann now?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): With regard to the Question of the hon. Member for East Donegal (Mr. A. O'Connor), the greater portion of the £50,000 will be devoted to the development of arterial drainage in Ireland. It is the intention of the Government to undertake at once the surveys recommended by the Royal Commission as a preliminary to the establishment of Conservancy Boards and the execution and maintenance of drainage works in the several river basins. In addition to this, we shall proceed with the execution of such works upon the rivers specially mentioned in the Reference to the Royal Commission, and of which the Barrow is one, as can be carried out without legislation, pending the introduction of a measure giving effect to the principal recommendations of the Commission next Session. In the present state of Business it would be impracticable to legislate on the subject this year; but the Government are in communication with the Royal Commissioners, who are at present in Ireland; and I can assure the hon. Member that there will be no delay in commencing such operations as can be undertaken with our present powers, and, in the opinion of the Commissioners, can be advantageously executed in the present year. As it seems unlikely that the whole £50,000 can be devoted to drainage works during the year, we propose to spend about £4,000 on works on the West Coast, commenced or contemplated by the Piers and Roads Commissioners appointed under the Relief Act of last year. A sum of £5,000 will also be devoted to promoting the improvement of the breed of cattle and horses in Ireland, which is seriously deteriorating; and the Government will avail themselves of the agency of the Royal Dublin Society in giving effect to that purpose. With reference to the Question of the hon. and learned Member for North Longford (Mr. T. M. Healy), the shortness of the Notice has prevented my consulting the Royal Commissioners, on whose Report we are acting in instituting the proposed survey, with regard to it. The Government accept the opinion of the Royal Commission as to the desirability of further drainage operations on the Bann, and the nature of the work to be undertaken. The real difficulty in the case of the Bann lies in the variety of authorities whose concurrence is necessary, and in passing the requisite legislation. In any case, however, it will be necessary to prepare a detailed scheme for carrying out the plans of the Commissioners before work can be begun. The principal object of the proposed surveys is the delimitation of the catchment basins of the several rivers, with the view to the establishment of Conservancy Boards.

This will be necessary in the case of the Bann, as in that of other rivers.

Mr. T. M. HEALY asked if the right hon. Gentleman could state how much of the £50,000 would be spent on the drainage of the Bann?

Mr. GOSCHEN said, he was not at present in a position to give the information asked for. He expected a reply from the Commissioners, and as soon as he received it he would communicate with the hon. and learned Member, and let him know the precise amount which would be expended on the drainage of the Bann.

Mr. P. McDONALD (Sligo, N.) wished to know if any, and how much, of the £50,000 would be appropriated to the improvement of harbour accommodation in Ireland?

Mr. GOSCHEN said, it was not contemplated to devote any of the money to this purpose, except a portion of the £4,000, which it is proposed to devote to certain piers, roads, and harbours on the West Coast.

EGYPT — THE SOUDAN CAMPAIGN, 1885—THE KHEDIVE'S BRONZE STAR.

Colonel BRIDGEMAN (Bolton) asked the Secretary of State for War, Whether the British and Indian Troops, and the New South Wales Volunteers, employed in the Soudan in 1885, will receive the Khedive's bronze star for their services?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): Her Majesty has approved of all the troops (including the Indian Contingent and the New South Wales Volunteers) who have received medals for service in the Soudan in 1884, 1885, and 1886 wearing the bronze star which His Highness the Khedive is about to confer.

THE MAGISTRACY (ENGLAND AND WALES) — LORDS LIEUTENANT OF COUNTIES.

Mr. J. ROBERTS (Flint, &c.) asked the Secretary of State for the Home Department, Whether the Government have power through the Lord Chancellor, or otherwise if they think fit, to place gentlemen on the Commission of the Peace for Counties, independently of the action of the Lord Lieutenant of the county?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): The power of placing gentlemen upon the Commission of the Peace is vested in the Lord Chancellor on behalf of the Crown. The ordinary course is for the Lord Chancellor to act upon the recommendation of the Lord Lieutenant, whose local knowledge and whose position as representative of the Crown in the county point him out as the fittest person to submit names to the Lord Chancellor for his approval.

THE PARIS EXHIBITION, 1889.

Mr. LABOUCHERE (Northampton) asked the Under Secretary of State for Foreign Affairs, What communications have taken place between the French and English Government in regard to the country taking part officially in the French Exhibition of 1889; and, whether he will lay these communications before the House?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): I have already informed the House that the Correspondence will be laid upon the Table. It is in the printers' hands.

WAR OFFICE — TRANSFER OF LIEUTENANT GORDON TO THE ROYAL ENGINEERS.

Sir HENRY TYLER (Great Yarmouth) asked the Secretary of State for War, Whether, in consequence of the transfer recently of Lieutenant Gordon from the Royal Marine Artillery to the Royal Engineers, Lieutenant Gordon now takes rank before the 193 officers who have obtained their commissions in the Royal Engineers since February, 1883; whether those 193 officers have each been placed one step lower in the corps of Royal Engineers as the result of that transfer; whether there is any precedent for such a transfer in such a manner to the corps; whether the transfer of Lieutenant Gordon was made with the assent of the Deputy Adjutant General Royal Engineers, and on the recommendation of His Royal Highness the Commander-in-Chief; by what Minister, as Secretary for War, the transfer was approved; and, in what manner this transfer was legalized, in the absence of any provisions in the Royal Warrant permitting such a course to be pursued?

THE SECRETARY OF STATE (Mr. E. STANHOPE)(Lincolnshire, Horncastle): My answer to the first two Questions of my hon. Friend is yes. There is no precedent for such a transfer. It was made with the assent of the Deputy Adjutant General Royal Engineers, and on the recommendation of His Royal Highness the Commander-in-Chief. It was approved by my Predecessor and by myself. The grant of Army rank is legally a matter of Royal prerogative. But I may say generally that this case is entirely exceptional; and that the corps of Royal Engineers gladly welcome among them the nephew of so distinguished an officer as General Gordon.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—LONDON SCHOOL CHILDREN IN HYDE PARK.

SIR RICHARD TEMPLE (Worcester, Evesham) asked the Secretary of State for the Home Department, Whether arrangements under the cognizance of Government are being made for securing the safety of the large number of London school children, amounting to many thousands, whom it is proposed to assemble by voluntary effort in Hyde Park for the Jubilee Celebration on the 21st June; and, if so, what will be the nature of the arrangements?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I am informed by the Chief Commissioner of Police that he has received a communication from the Secretary to the Children's Jubilee Committee, and that the necessary police arrangements will accordingly be made, due regard being given to the fact of the assembly of so many young persons. His Royal Highness the Ranger and the Chief Commissioner are both members of the Committee, and are assisting with their advice.

ROYAL IRISH CONSTABULARY—CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—CIRCULAR OF THE INSPECTOR GENERAL.

MR. CONYBEARE (Cornwall, Camborne) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that a letter, in the following form, has been issued to the Royal Constabulary in Ireland:—

"Circular.

"Royal Irish Constabulary Office,
"Dublin Castle, 14th May, 1887.
"Queen's Jubilee.

"The Inspector General has received applications from members of the Force in several counties for permission to raise a fund in celebration of the Queen's Jubilee. He has freely consented in such cases to subscriptions being raised, on the understanding that the officers or men should contribute as individuals, and that no person in authority should organise the effort. Although the Inspector General would not have felt warranted in moving in the matter himself, yet, as he has been applied to upon the subject, he thinks that it will probably meet the wishes of such members of the Force as desire to contribute to suggest a course by which their moneys should go to form a general Constabulary Fund rather than that it should be divided into a district or local fund. He would, with that view, propose that any subscriptions given by members of the Force should be forwarded through district officers to the County Inspectors, who could then send them to the Bank of Ireland, which has consented to act as treasurer for 'the Royal Irish Constabulary Jubilee Fund.' With the view of securing that the subscriptions should be perfectly voluntary, the Inspector General directs that no application whatever be made to either officers or men in the matter. In the event of the project being taken up by the Force, either generally or in a more or less extended manner, a committee of the subscribers could hereafter arrange details relative to the object to which the money might be devoted.

"A. Reed, Inspector General;"

whether the applications above referred to as having been received by the Inspector General have been made by the men, or merely by the officers of the Force, and how many such applications have been received; and, whether it is the fact that the district officers are requiring to have the names of the subscribers and the amounts given by each; and, if so, whether he will direct that the above Circular shall be acted upon strictly, and that no application whatever shall be made to either officers or men in the matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: The Circular alluded to was issued by the Inspector General in consequence of representations which reached him at various times, both verbally and through the Press, and finally on application, on the subject made by two County Inspectors representing the officers and men of their counties. There does not appear to be any reason to doubt that the district officers will observe the instructions conveyed in the Circular. The Government see no necessity to give the direction suggested.

Mr. CONYBEARE: Will the right hon. Gentleman allow me to lay before him a letter giving details of cases in which the instructions have been evaded, and will he take action upon it?

Colonel KING-HARMAN: Certainly, if the hon. Member will send the letter to the Chief Secretary it shall be attended to.

Mr. T. M. HEALY (Longford, N.): Can the right hon. and gallant Gentleman explain how it was that the Chief Secretary stated on Tuesday that no such Circular was ever issued?

Colonel KING-HARMAN: Certainly, Sir; the Question asked by the hon. Member for the Camborne Division of Cornwall (Mr. Conybeare) was whether a Circular had been issued by the Inspector General to the different police stations in Ireland calling upon the men to subscribe funds for the purchase of a horse and jaunting car as a Jubilee offering to Her Majesty. No such Circular was ever issued.

Mr. T. M. HEALY: Then, Sir, the Chief Secretary's statement was a mere quibble.

Mr. SPEAKER: Order, order! I consider the interruption of the hon. and learned Member to be disorderly and un-Parliamentary, and I ask him to withdraw it.

Mr. T. M. HEALY: Do I understand you to rule, Sir, that the word "quibble" is un-Parliamentary?

Mr. SPEAKER: I consider that the interruption of the hon. and learned Member was disorderly and un-Parliamentary, and I ask him to withdraw it.

Mr. T. M. HEALY: Is it the interruption I am to withdraw?

Mr. SPEAKER: I ask the hon. and learned Member to withdraw the expression he used.

Mr. T. M. HEALY: Very well, Sir. [*Cries of* "Withdraw!" *and* "Name!"]

Mr. SPEAKER: Does the hon. and learned Member withdraw the expression of which I complain?

Mr. T. M. HEALY: Is it the word "quibble?"

Mr. SPEAKER: Order, order! The hon. and learned Member said that the Chief Secretary had been guilty of a quibble. He must withdraw that expression.

Mr. T. M. HEALY: If the word "quibble" is un-Parliamentary, I will withdraw it.

Mr. SPEAKER: This is a matter of some importance. The hon. and learned Member interrupted a Question asked by another hon. Member in a disorderly manner, and he said that a statement made by a right hon. Member of this House was a quibble. I ask the hon. and learned Member to withdraw that expression?

Mr. T. M. HEALY: Yes, sir.

WAR OFFICE (ORDNANCE DEPARTMENT)—THE 43-TON GUN.

Major RASCH (Essex, S.E.) asked the Surveyor General of the Ordnance, Whether, on or about 28th August, 1885, a third 43-ton breach-loading gun broke down at the proof butts, Woolwich, in the metal in the middle of the breach; and, whether both design and specification for all such guns have been radically changed; if so, was that change necessary, if it was (including change in specification), does he still adhere to his statement that the 43-ton guns in question are serviceable?

The SURVEYOR GENERAL (Mr. Northcote) (Exeter): No 43-ton gun broke down at the proof butts at Woolwich on or about the 28th of August, 1885. On the 26th of August a vent slide failed; but this did not put the gun out of action, and a new vent slide was fitted on in half a minute. Changes have been made both in the design and specification of the 12-inch breach-loading guns since their original design in 1881, and these changes were necessary. Two additions are being made to Marks I. and II. 12-inch breach-loading guns, with the view of bringing them into conformity with the steel guns of new design. They are being chase-hooped, and that part of the bore specially attacked by the gas is being lined. The guns are believed to be perfectly serviceable.

WAR OFFICE—ARMY MEDICAL DEPARTMENT—SURGEON MAJOR SANDFORD MOORE.

Dr. TINDAL ROBERTSON Brighton) asked the Secretary of State for War, Whether he would have any objection to lay upon the Table of the House the Report of the case of Surgeon Major Sandford Moore, submitted to him by the Medical Director General?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): The production of this Report would create a very undesirable precedent; and I regret, therefore, that I am unable, in the interests of the Service, to meet the wishes of my hon. Friend.

WAR OFFICE—CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN — EXTRA QUEEN'S CADETSHIPS.

Dr. TINDAL ROBERTSON (Brighton) asked the Secretary of State for War, If, in commemoration of Her Majesty's Jubilee, he will recommend that a few extra Queen's cadetships be granted during the present year?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): The establishment of Queen's cadets is limited, and the nominations granted have hitherto been found sufficient to meet the claims of all who were eligible for the boon. Under these circumstances, His Royal Highness the Commander-in-Chief does not see any sufficient ground for recommending an increase in the number of Queen's cadetships in connection with the Jubilee.

DEER FORESTS (SCOTLAND)—GARBAT BEN WYVIS.

Dr. R. MACDONALD (Ross and Cromarty) asked the Lord Advocate, Whether he has any further information regarding the intended addition of the sheep farm of Garbat Ben Wyvis to the extensive deer forest of Mr. Shoolbread; whether he is aware that the proposal has caused intense dissatisfaction throughout the West Highlands; and, whether, in order to allay the popular excitement, the Government can take any steps to delay the proposed afforesting until the Crofter Land Commission had visited the district?

The LORD ADVOCATE (Mr. J. H. A. Macdonald) (Edinburgh and St. Andrew's Universities): Having received no Notice of this Question, I am unable to answer in regard to the questions of fact; but I may point out to the hon. Member that any sheep-farm land which is added to deer forest is by that action made more free to be dealt with for the increase of crofter holdings than if it remained in sheep farm; but, in any case, the Government have no power to interfere in matters relating to the Crofters Act of last year, these being exclusively in the hands of the Crofter Commission, and of the Courts of Law on appeal from the Commission.

UNITED STATES — EMIGRATION OF HIGHLAND CROFTERS.

Dr. R. MACDONALD (Ross and Cromarty) asked the Under Secretary of State for Foreign Affairs, Whether any official Correspondence has taken place lately between our Ambassador in the United States and a representative of the United States Government, with the object of arranging for the emigration of Highland crofters; whether the latter intimated that the sending of emigrants who were likely to become a public charge would be regarded by his country as an unfriendly act; and, whether the alleged Correspondence will be laid upon the Table of the House?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): Correspondence has passed with reference to immigration to the United States, but not with special reference to Highland crofters. It was intimated by the Minister of the United States that immigrants sent out by Governmental agency, or likely to become a public charge, would not be acceptable. The Correspondence will be laid upon the Table.

POST OFFICE—CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—THE OFFICIALS.

Mr. ATKINSON (Boston) asked the Postmaster General, If he will give postal and telegraph officials an opportunity to participate in the Jubilee Celebrations of the 21st instant by arranging for a partial suspension of their work, as is the case on Good Fridays and Sundays?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): I have already given orders that on the day fixed for the celebration of Her Majesty's Jubilee the Post Office arrangements throughout the Kingdom shall be such as to afford to the postal and telegraph officials as much relief as possible. In the Metropolis there will be one early and one late delivery of letters, and corresponding collections, instead of numerous collections and deliveries; also one delivery and one collection of parcels. Many of the post offices will be closed altogether. In the country there will be, for the most part, one delivery and one collection of letters and parcels, and the rural postmen, after completing their delivery, will be allowed to return at once to their starting points, as on Christmas Day. Throughout the country generally the post offices will be closed for postal purposes after the first delivery until the time for the making up of the evening despatches. I regret that, owing to the exigencies of the Service, complete relief cannot be given to the telegraphists on the day of the Jubilee.

IMPERIAL DEFENCES—KING GEORGE'S SOUND — THE COLONIAL CONFERENCE.

MR. BADEN-POWELL (Liverpool, Kirkdale) asked the Secretary of State for War, Whether it is true, as reported in the newspapers, that at the recent Colonial Conference the War Office raised objections to assisting in providing for the defence of King George's Sound; and, if so, whether he can state the reasons for these objections?

THE SECRETARY OF STATE (Mr. E. STANHOPE) (Lincolnshire, Horncastle): Yes, Sir; the matter is easily explained. The list of coaling stations now being defended was framed originally by the Royal Commission on the Defence of British Possessions Abroad. That Commission went very completely into the whole question, and selected a certain number of stations, which it described as of first-rate importance, and the defences of which it recommended should be at once undertaken. King George's Sound was not included. That case was considered, but was decided to be of secondary importance. This list was approved by the Treasury, and laid before Parliament. A large sum still remains to be spent before the defences even of these first-class stations are complete; and the War Office accordingly, when represented at the Colonial Conference, did not feel justified in promising to furnish at once an expensive armament for King George's Sound—first, because to include any place not upon the list would necessarily have entailed large expenditure in other cases similarly situated; secondly, because it would have had neither Treasury nor Parliamentary sanction; and, thirdly, because it would have recognized a principle against which the Treasury has always contended—that the Imperial Government should bear any share in the expenditure necessary for the land defence of Australia.

COAL MINES REGULATIONS—COLLIERY ACCIDENT IN LANARKSHIRE.

MR. MASON (Lanark, Mid) asked the Secretary of State for the Home Department, Whether he is aware that another fearful colliery accident has occurred in Lanarkshire, resulting in the loss of three lives and seriously injuring others; and, whether he will order an inquiry to be made into its cause?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have just received a Report from the Inspector of the district, who has already inquired into this accident. He informs me that the accident was due to the neglect of the engine-man, who failed to put in a key, whereby the winding drum got disconnected from the engine, and the cage, with the men in it, ran down the pit. The engine-man is in custody.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY) — ACCOMMODATION FOR MEMBERS OF THIS HOUSE.

MR. GOURLEY (Sunderland) asked the First Lord of the Treasury, If he will inform the House what arrangements he has succeeded in making for the purpose of according to Members of the House who are widowers or bachelors, privileges akin to those which have been granted to Members who have wives, whereby the former may be permitted to attend the Jubilee ceremony at the Abbey accompanied by lady relatives?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): I am sure that the hon. Gentleman will understand that I sympathize with him in his desire that Members of the House who are so unfortunate as to be widowers or bachelors should have the privileges akin to those which are granted to

Members who have wives. The Committee to whom this question has been referred have not found it possible at present to endue them with the same privileges. I will now state to the House, as far as the arrangements have yet gone, what is proposed to be done. The Lord Chamberlain has arranged to find places for Members of Parliament, accompanied by their wives, who have sent in their names to the Speaker's Secretary, or will do so before Saturday, the 11th instant, and a space in the North Transept of the Abbey, containing 570 seats, will be numbered and reserved for Members of this House. Provision will be made for the Speaker, the Chairman of Ways and Means, Ministers, ex-Ministers, and Privy Councillors to sit as far as may be possible together in the front seats. The remainder of the seats will be allotted by ballot to those Members who have sent in their names by the 11th instant. It is expected that *levée* dress will be worn by Ministers, ex-Ministers, and Privy Councillors; but for other Members of the House the dress will be optional. The House will remember that all these arrangements are solely in the hands of the Select Committee appointed by the House. This is all the information I am able to give the House at the present moment; but the list is not yet complete. Two days remain during which Members may send in their names; and as the seats at the disposal of the Lord Chamberlain and the Committee are exceedingly limited it is impossible for me to state more than I have done at the present time. The Committee will meet on Monday to make their final arrangements.

BUSINESS OF THE HOUSE—COAL MINES, &c. REGULATION BILL.

Mr. MASON (Lanark, Mid) asked the First Lord of the Treasury, Whether, in view of the terrible disaster at Udston Colliery, and the still more recent accident at Motherwell, he will so arrange the Business of the House as to allow the Coal Mines, &c. Regulation Bill to be proceeded with not later than 10 o'clock this evening?

The FIRST LORD (Mr. W. H. Smith) (Strand, Westminster), in reply, said, he fully entered into the desire of the hon. Member and other hon. Members who took an interest in this very important matter; but he was not able to say more than he said on Tuesday, that if a discussion could be taken after half-past 11 or 12 to-night, he would be very glad if that could be done; but to report Progress on the Criminal Law Amendment (Ireland) Bill at 10 o'clock would be impossible.

An hon. Member hoped the Government would not consent to take the Bill at so late an hour.

Mr. W. H. SMITH said, he was entirely in the hands of hon. Members who took an interest in the question. The Government desired that the Bill should be proceeded with, subject to the understanding that hon. Gentlemen who took an interest in the matter should have an opportunity for such discussion as was thought necessary.

Mr. MASON said, that he was anxious the Bill should be taken to-night at any hour, and he hoped the right hon. Gentleman would assure them this would be the case, so that Members interested in the Bill might remain in their places.

Mr. BURT (Morpeth) hoped that unless the right hon. Gentleman the First Lord of the Treasury could see his way to afford an opportunity for a reasonable discussion, he would state the Bill would not go on at all.

EVICTIONS (IRELAND)—EVICTIONS AT BODYKE—ALLEGED MISCONDUCT OF THE CONSTABULARY.

Mr. CONYBEARE (Cornwall, Camborne) wished to ask the Chief Secretary to the Lord Lieutenant of Ireland a Question, of which he had been unable to give the right hon. Gentleman private Notice. He desired to ask the right hon. Gentleman had his attention been called to a statement in *The Pall Mall Gazette* of that evening, with reference to the evictions which were being carried on at Bodyke, and which was as follows:—

> "It is true that Pat Walsh's mother, of 80, was bludgeoned in his house as she sat in her chair by a member of the Royal Irish Constabulary, who formed one of the volunteer storming party, and she has at this moment the marks of the baton in the shape of a bad black eye."

[*Laughter.*] Some hon. Members might laugh; but he regarded the matter as too serious for laughter. The report continued—

> "She (Mrs. Walsh) is bedridden, and was lifted up by her daughter-in-law to be evicted, and the two blue bruises above and below her

left eye upon her poor old wrinkled face, form the most pitiable sight imaginable. While her son was led off to gaol in handcuffs, she sat in a chair on the road wailing and rocking her wounded and aching head backwards and forwards in her hands."

He wished to ask the Chief Secretary, Whether he would take immediate steps to punish the constable for his brutal conduct, and prevent any recurrence of such a state of things?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): I know nothing about the attack alleged to have taken place, nor have I seen *The Pall Mall Gazette* of to-day; but I am sorry to say that scenes have taken place, in the course of the resistance to the police at Bodyke, of a most disgraceful character.

MR. DILLON (Mayo, E.): I wish to ask the Chief Secretary a Question of which, unfortunately, I have not been able to give him Notice, Whether it is true that the police at Bodyke have acted as baliffs and been the first to enter the houses, instead of the officers of the Sheriff; and, whether it is true, as we have frequently been assured, that no such conduct will be tolerated; and whether, if this statement be true, the Chief Secretary will take immediate steps to prevent a repetition of such illegal action?

MR. A. J. BALFOUR: I have no doubt, Sir, that if the police went into the houses in consequence of these houses being illegally defended, they acted in accordance with their duty.

CRIME AND OUTRAGE (IRELAND)—THE RETURN FOR APRIL AND MAY.

MR. JOHN MORLEY (Newcastle-upon-Tyne) asked the Chief Secretary to the Lord Lieutenant of Ireland, Why the Return of reported outrages in Ireland of April and May, which the Chief Secretary promised before the Whitsuntide holidays, was not yet in the hands of the Members?

THE CHIEF SECRETARY (Mr. A. J. BALFOUR) (Manchester, E.): It is at the printers. I do not know why it has not been issued, but I will inquire into the circumstances.

COAL MINES REGULATION—THE UDSTON COLLIERY ACCIDENT.

MR. ARTHUR O'CONNOR (Donegal, E.): With reference to the inquiry to be made into the Udston Colliery accident, I wish to ask the Secretary of State for the Home Department, Whether he will exercise all the powers which Viscount Cross' Act enables him to use in reference to the inquiry—that is to say, whether he will appoint persons of special knowledge to assist the Inspector in the investigation under Section 3, Sub-section 1, of the Act; whether he would for that purpose appoint a representative of the Lanarkshire Miners' Union; whether he will exercise the power vested in him of requiring the Inspector to call for documentary evidence as to the last inspection of the mine, in whole or in part; whether he will allow representatives of the men to visit the scene of the accident in company with Her Majesty's Inspector, as well as the owners, manager, and officials of the mine?

THE SECRETARY OF STATE (Mr. MATTHEWS)(Birmingham, E.): I informed the hon. Member, or some other hon. Member, two or three days ago, that I had issued directions that representatives of the men should accompany the Inspector, and have an opportunity of seeing all that had gone on in the pit, and forming their own opinion and conclusion upon it. With regard to the Commision, it is not yet signed. My present intention is that it shall consist, according to the Statute, of an Inspector of Mines, assisted by Gentlemen of the Scotch Bar. I will consider the suggestion of the hon. Member as to having any additional Member upon the Commission; but I do not think it desirable that the Commission should be too large. The range of the inquiry will be the very fullest that the law permits.

MR. ARTHUR O'CONNOR: May I ask the right hon. and learned Gentleman whether it is not a fact that among the whole body of the miners of Lanarkshire there is a strong desire that they should be represented by a member of the Union on the Commission, to assist the Inspector?

[No reply.]

NOTICE OF RESOLUTION.

BUSINESS OF THE HOUSE—CRIMINAL LAW AMENDMENT (IRELAND) BILL.

NOTICE OF INSTRUCTION.

MR. W. H. SMITH: Mr. Speaker, I wish, Sir, to give Notice that to-morrow, at half-past 4 o'clock, I shall move an Instruction to the Committee on the Criminal Law Amendment (Ireland) Bill, the effect of which will be to name a period at which the Committee will report the Bill to the House.

MR. JOHN MORLEY (Newcastle-upon-Tyne): Mr. Speaker, by the indulgence of the House, I should like to make an appeal to the right hon. Gentleman. Surely this is an extremely short Notice for a proposal of so extremely strong — which is the least offensive word I can find—a description. The House has been sitting since last Monday, and the right hon. Gentleman and his Colleagues must, I presume, have made up their minds as to the course they intended to pursue; and it seems to me that it would have been more consistent with the great importance of the proposal which the right hon. Gentleman makes, and more respectful to the House, if he had given us a longer time to consider his proposal. I do hope the right hon. Gentleman will see his way to postpone the Resolution for one more Sitting—until Monday.

MR. W. H. SMITH: I am sure, Sir, that the right hon. Gentleman himself must have expected the Government to make a proposal of this character; for, in answer to a Question addressed to me by the hon. and learned Member for Dundee (Mr. E. Robertson) on Tuesday last, I did, in effect, give Notice that it would be the duty of the Government to make a proposal of this kind to the House. It has not been possible for the Government to arrive at any definite decision on the question until to-day; and they will put the form and terms of their Notice on the Paper in the course of the evening.

MR. JOHN MORLEY: May I ask at what time the right hon. Gentleman proposes to make this Motion?

MR. W. H. SMITH: At half-past 4 o'clock, the usual time. The right hon. Gentleman is aware of the fact that all Motions in regard to the Business of the House are taken before the Orders of the Day are entered upon.

MR. E. ROBERTSON (Dundee): Perhaps the right hon. Gentleman will now state what is the period he refers to?

MR. W. H. SMITH: No, Sir; I cannot.

MR. T. M. HEALY (Longford, N.): As to-morrow is not a Government day, it would certainly be more convenient if the right hon. Gentleman could give the terms of his Motion, because surely we are entitled to at least 24 hours' notice, so that hon. Members might be able to give Notice of Amendments to the Motion.

MR. W. H. SMITH: The terms of the Motion will be handed in to the Clerk at the Table before the close of the Committee this evening in ample time for hon. Gentlemen to be fully informed of its purport.

MR. T. M. HEALY: How?

MR. W. H. SMITH: From the Clerk at the Table.

MR. T. M. HEALY: Are we to understand, Mr. Speaker, that it will be possible for Members to obtain copies of the right hon. Gentleman's Notice to-night?

MR. SPEAKER: It is not customary to give copies of Motions.

MR. T. M. HEALY: That being so, I would again ask the right hon. Gentleman what the Government intend to do?

MR. W. H. SMITH: I will give an answer at the close of the Committee this evening.

MR. CONYBEARE (Cornwall, Camborne) wanted to know whether the Notice given by the right hon. Gentleman could be considered regular in view of the great importance of a Motion of this character, and the natural desire of hon. Members on his side of the House to prepare Amendments which would be impossible on so short a Notice?

MR. SPEAKER: There is nothing irregular in the course proposed.

ORDERS OF THE DAY.

—o—

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. A. J. Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 8th June.*]

[FIFTEENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

SPECIAL JURY AND REMOVAL OF TRIAL.

Clause 4 (Change of place of trial).

MR. MAURICE HEALY (Cork), in moving as an Amendment, in page 3, line 23, after "district," to insert—

"And there has previously been a trial for such crime in the county or borough in which the same was committed, at which trial the jury has disagreed,"

said: The object of this Amendment is to prevent, as far as possible, the extreme hardship in this provision. It will be in the mind of the Committee that we have already passed Clause 3 which provides that where an indictment for a crime committed in a proclaimed district has been found, or a defendant has been committed for trial, and the trial is to be by a jury before a Court in Ireland, other than a Court of Quarter Sessions, the High Court shall, on the application of the Attorney General or by the defendant, direct that the trial shall be a special jury. That being so, it is only reasonable, if the Government are to have the power of changing the venue in the way suggested by this clause, that there should be some provision to restrict the power to change the venue to cases in which there has already been a trial and the jury have disagreed. Let me point out that, as the clause now stands, the Executive will be able to drag prisoners from one end of Ireland to the other—from the County of Kerry, for instance, to Ulster and *vice versâ*. There was a somewhat similar provision in the Crimes Act of 1882, but the only case, as far as I believe, in which it was exercised, is one with which the Committee will be familiar owing to the constant allusions which have been made to it in this House—namely, a case in which a number of Irish-speaking Connemara peasants were removed from Mayo to be tried in Cork, and in that case there had previously been a disagreement on the part of the jury. Surely it is only reasonable to ask the Government, before we give them the powers provided in this section, that there should be circumstances which will bear some parallel with those of the Act of 1882, and that it shall be shown that some attempt has already been made to secure the administration of justice in the county where the offence was committed. I entreat Her Majesty's Advisers to give a fair consideration to the reasonable Amendment I now propose.

Amendment proposed,

In page 3, line 23, after the word "district," insert the words "and there has previously been a trial for such crime in the county or borough in which same was committed, at which trial the jury has disagreed."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): The Amendment moved by the hon. Member is to the effect that there must have been a previous trial and a disagreement on the part of the jury before the venue can be changed—in fact, that there has been an abortive trial. The object of the Government is to provide that the venue may be changed, because there is reason to suspect that a fair and impartial trial cannot be had in the district in which the crime has been committed, and if we restrict the operation of the clause to cases in which there has been a previous trial our object might be altogether defeated. For these reasons we cannot assent to the Amendment.

Mr. MAURICE HEALY: The right hon. and learned Gentleman seems to forget the powers which the Government will have of ordering persons to stand by whose motives they have reason to suspect. I think it will be altogether impossible, under such circumstances, to place 12 men in the box who would agree to acquit a prisoner. Such an apprehension is altogether preposterous, and the right hon. and learned Gentleman must have a very low opinion indeed of the intelligence of this Committee, or he would not venture to make such a suggestion. I quite agree with the right hon. and learned Gentleman that an abortive trial is a most unsatisfactory thing. It is most desirable, when a man has been tried by a jury, that the jury should find whether he is guilty or innocent; but we must not lose sight of the extraordinary powers which are given to the Government by Section 3. Under these powers, I cannot see that there is the slightest danger of such a mishap as an abortive trial occurring. Unfortunately, however, notwithstanding the low estimate which the Attorney General for Ireland seems to have of the intelligence of the Assembly he was addressing, the Government are sufficiently powerful to pass their Bill by the use of the closure.

Mr. J. O'CONNOR (Tipperary, S.): All that is asked in this Amendment is that a trial shall have taken place in the district where an offence has been committed, before the venue can be changed to any other part of the country. It has already been pointed out what was done in the case of the Mayo conspiracy. In that case a trial took place where the offence was committed, and, that trial having proved abortive, the venue was changed to Cork. The result was a second disagreement, but the prisoners were put upon their trial again, and, having to go to Mayo in order to bring up their relatives and witnesses, they certainly had not a fair chance of obtaining an acquittal. It is quite evident from the non-acceptance of the Amendment that the Government have no desire to procure even an appearance of justice. Such provisions as these must destroy all confidence on the part of the people in the administration of the law. If the Government really desire to make progress with their Bill, they would show a disposition to accept reasonable Amendments of this kind. But it appears to me that they have no desire even to observe the slightest semblance of justice.

Question put, and *negatived.*

MR. O'DOHERTY (Donegal, N.): In reference to the Amendment No. 16 on the Paper, standing in my name, the object of which is to extend the jurisdiction to any division of the High Court, I do not propose, at this stage, to move it, because I think the matter may be more adequately dealt with on the 11th clause, which defines the mode of procedure for offences against the Bill. Nor do I intend to move the Amendment No. 18, which gives a discretionary power to the High Court, because I think that that Amendment is covered by No. 19 which stands in the name of the hon. and learned Gentleman the late Attorney General for England.

SIR CHARLES RUSSELL (Hackney, S.): My Amendment proposes to leave out all the words of the first sub-section from the word "Ireland," in line 25.

THE CHAIRMAN: There is an Amendment in the name of the hon. Member for South Donegal (Mr. Mac Neill) which will come before that.

MR. MAC NEILL (Donegal, S.): I propose to move, in page 3, line 24, an Amendment to provide that the application for the change of venue shall be made in open Court. I think that it is necessary to provide that such an application should not be made in Chambers, but that it should be made in public, so that the nature of the application would be quite open and clearly understood.

Amendment proposed, in page 3, line 24, after the word "application," to insert the words "in open Court."—(*Mr. Mac Neill.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The Government feel bound to oppose the Amendment, which would introduce an entirely new practice in these cases. It is our intention to follow the usual course of practice.

MR. MAC NEILL: All I desire is that the public should be able to judge of the propriety of the application as well as the Attorney General.

MR. T. M. HEALY (Longford, N.): This opens an entirely new question. Does the right hon. and learned Gentleman say that he is to go in private to a Judge of the High Court, and perhaps, sitting over a glass of punch, apply for an order, and that the public are to have no information about it? We know that at present barristers are able to go to the Judges privately in regard to some of the matters concerning the procedure of the Court; but it is a monstrous proposition to provide that a serious application of this nature in questions affecting the lives and liberties of the Irish people should be made privately, even to a Vacation Judge.

MR. HOLMES: I do not suppose it is at all likely that an application would be made to a Judge over a glass of punch; but what I say is, that a Motion of this kind may be made with perfect propriety if it is made in accordance with the ordinary practice of the Court, and the Government, therefore, cannot consent to alter the clause.

MR. MAC NEILL: We ought to be able to judge of the propriety of the application as well as the Attorney General. The words "The High Court" do not mean the High Court of Justice sitting with all the dignity of Judges on the Bench; but it means a single Judge sitting in his own chambers, in his own study, and acting at any time of the day or night. Under such circumstances, is the Attorney General or his representative to be at liberty to walk in and obtain an order by simply saying —"See, Judge; give me this order." Such a provision means a total absence of any public investigation in reference to the application, and there is a possibility that an order may be given for a change of venue, which would not have been granted if there had been notice given to the public. If a Motion were made in open Court it would also prevent an appeal to the High Court to discharge or vary the order. I fail to see why the proceedings under this Coercion Bill should not be fair and above-board, and the Irish Members are determined to do their best to prevent anything being done in a surreptitious or underhand manner. The Attorney General knows perfectly well that this is to be a secret application. The definition of the expression "The High Court" is simply that it is to mean the High Court of Justice in Ireland, and I challenge the Attorney General to tell the Committee what the real object of this provision is.

Question put, and *negatived.*

SIR CHARLES RUSSELL (Hackney, S.): I have now to move in page 3, line 25, to leave out after the word "Ireland," the following words:—

> "And upon his certificate that he believes that a more fair and impartial trial can be had at a Court of Assize in some county to be named in the certificate, shall make an order as of course that the trial shall be had at a Court of Assize in the county named in the certificate.
>
> "The defendant or any defendants, if more than one, may in the prescribed manner and within the prescribed time apply to the High Court to discharge or vary any such order for the removal of a trial, upon the ground that the trial can be more fairly and impartially had in a county other than the county named in the order of removal, and thereupon the High Court may order that the trial shall be had in that county in which it shall appear that the trial can be most fairly and impartially had."

If the Committee consent to the omission of those words, I propose to substitute words to provide that the High Court, on application by or on behalf of the Attorney General for Ireland,

> "Or of the defendant, may for good cause order that the trial shall be had in some other county or borough."

Now, the Government, in framing the Bill, have obviously thought that this question of the change of venue may be one of very great consequence, and I am quite prepared to admit that if it is of great consequence in the interests of the Crown, which interests are supposed to be and ought to be the interests of the public, it is equally a matter of great interest to the accused. It is a very serious matter that, without any safeguard or protection, a man charged with an offence, not according to the ordinary Criminal Law and the administration of the ordinary Criminal Law, shall be deprived of the venue in which the offence has been committed, and that his trial shall be removed to an entirely different place altogether, away from his friends, and where it may be difficult for him to procure evidence which may be of the greatest possible importance to him. The Government, in the way in which they have framed the clause, show that they consider the matter to be one of consequence; but as the clause stands the question is to be decided on the mere *ipse dixit* and at the will of the Attorney General in the first instance. All that the Attorney General has to do is to instruct some counsel or solicitor on his behalf to make an application to the High Court, and on his certificate that he believes a more fair and impartial trial can be had in some other place than that in which it would in the ordinary course be had, the learned Judge before whom the application is made is, according to the clause as it stands, entirely deprived of any judicial discretion whatever in the matter. By this clause the Judge is bound to make the order on an application being made to him, and on the production of the certificate of the Attorney General that he thinks it right a change of venue should take place. Now, I say that this is an unbecoming course of proceeding with regard to the Judge himself. I know it may be said that there is a right of appeal given by the next part of the clause. The next part of the clause says that after an order of the Judge has been made upon an *ex parte*, or it may be upon a secret application, and under circumstances which may prevent any information being given to the Judge upon which he might be able to exercise his judgment, the defendant against whom the order has already been made shall have conceded to him the right within a prescribed time, and in a prescribed manner, to apply to the Court to vary the order. Now, I want to know what is to be said against the proposition contained in my Amendment, which is the natural, the simple, the straightforward, and the just principle to be adopted in such a matter—namely, that the original application shall be made by the Attorney General, or by the defendant, in open Court, and that thereupon the Court may, for good reason, order that the trial shall be had in some other county or borough. What can be the object of resisting so reasonable an Amendment? If the right hon. Gentleman the Chief Secretary has no desire to prejudge the question in accordance with any suggestion which may have been made to him, I would ask him, in fairness and in reason, what is to be said against that proposition? If the Attorney General desires to change the venue, let him make an application; but let it be made in open Court on due notice, and let him satisfy the Court that he has good grounds for making it. In that case, no doubt, it would be granted; but if he is unable to show good grounds, why should he have his order upon an *ex parte* statement, without the persons accused having an opportunity of showing cause against it? Of course, if the Government intend to offer a *non possumus* to every Amendment proposed, whether that Amendment is reasonable or unreasonable, or in the direction of justice or not, it would save a good deal of time if they would say so at once. Personally, I repudiate altogether that the Chief Secretary means to convey any such desire, and if not, then I claim that no answer whatever can be made to this Amendment. I know that a great many things have been stated inside this House, and still more outside, in regard to the obstruction of this Bill; but I am certain that there has not been a single Amendment advanced from this Bench for which the strongest reasons have not been adduced. For my own part, I have not voted for one, nor spoken on behalf of one, which I did not consider to be of a substantial and *boná fide* character. If they do not wish to have the whole force of public opinion directed against this wretched measure the Government ought to evince some desire to maintain, at least, an appearance of fairness, and to consider favourably proper and reasonable Amendments.

Amendment proposed,

In page 3, line 25, to leave out all the words after the word "Ireland," to the end of line 37, and insert the words, "or of the defendant, may for good cause order that the trial shall be had in some other county or borough,"—(*Sir Charles Russell*,)

—instead thereof.

Question proposed, "That the words 'and upon his certificate that a' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): My hon. and learned Friend has called upon the Chief Secretary to answer the appeal which has been made to him; but as there are technicalities which are connected with the matter which it is desirable to explain my right hon. Friend has asked me to reply. The hon. and learned Gentleman has spoken under the idea that some suggestion has been made that the Amendments moved from the Front Bench opposite have been of an obstructive character. Now, Sir, we are far from entertaining any feeling of that kind, and, so far as the hon. and learned Gentleman himself is concerned, there can be no doubt that the Amendments which he has moved have been of a reasonable character, and have been Amendments which, beyond all doubt, require discussion. Indeed, I have all along admitted not only the reasonable character of the Amendments from the Front Bench, but also that many of those which have been proposed in other quarters have been reasonable. The present Amendment moved by the hon. and learned Gentleman unquestionably raises a subject which it is desirable to have discussed and decided by the Committee; and, therefore, as briefly and as clearly as I can, I will explain the reasons which have induced the Government to ask for a change of venue in the terms of this clause. I admit that if the object of the clause were simply to make a change in the machinery for bringing about the change venue—if that were the only object of it, the Amendment would not only be a reasonable, but a fair and proper one. In other words, if it were simply intended to introduce into Ireland the machinery which exists in England under Palmer's Act, the mode suggested by the Amendment might be fittingly adopted—namely, that either the prosecutor or the defendant, in open Court, should make an application for a change of venue, and that at the end of the discussion the Judge should give his decision. But we have proceeded all along on the basis that in certain parts of Ireland exceptional circumstances have arisen, and it is not proposed now to amend the machinery of the law, but to amend the law itself. When we come to the conclusion that the circumstances of Ireland require that the Crown should have the means of changing the venue, we looked about for the means by which that amendment of the law should be carried out, and we found that the circumstances bore a considerable analogy to those under which the Crimes Act of 1882 was passed. In that case the Legislature, having regard to the circumstances, have laid down certain provisions of the law, and we have a right to consider that what they did was, at all events, *primâ facie* reasonable, although hon. Gentlemen opposite were strongly opposed to the action then taken. What was done in that case was to provide that the Attorney General, by a mere certificate, without certifying any facts, should have power to apply for a change of venue, and should get an order of the Court sanctioning such change of venue. In other words, there was a final thing done on the mere certificate of the Attorney General. The Attorney General was to give a certificate that a change of venue was required, and thereupon the order of the Court was to be made. On full consideration of the subject we came to the conclusion that it was not desirable to follow precisely and exactly the precedent of the Act of 1882, but that the powers conferred by that measure should be amended in the interests of the accused persons themselves. What is the process which at the present time we say it is desirable to adopt? We say that, in the first place, a certificate shall be applied for by the Attorney General stating that he believes a more fair and impartial trial can be had at a Court of Assizes in some county to be named in the certificate. I know it will be stated that a certificate is a matter of form; but I do not believe that such a certificate will be a matter of form at all. It is alleged that the action of the Attorney General will be governed by the Executive, and that he will not be guided by his own conscience and views of right in directing a change of venue. I will only say that no application will be made for a certificate without a most careful consideration, and after taking into account what the Attorney General ought to certify, and whether a fair and impartial trial can be had in another county. Not only must the circumstances be such as to raise a doubt whether a trial in the county where the offence was committed would be fair and impartial, but also whether there is another place where, beyond all doubt, the case could be tried more fairly and impartially. If the allegations contained in the certificate are right, it will be only reasonable and proper that the venue should be changed. As to the argument that the Attorney General would be governed by the Executive, and that he would not exercise his own conscientious judgment in the matter, let me ask what earthly motive the Attorney General can have for certifying what he has no reason to believe—namely, that good ground exists for changing the place of trial where in reality there is no such ground? Personally, the Attorney General, who bears the character of prosecutor in Ireland, can have nothing whatever to gain. Although the circumstances of the case may be attended with a considerable amount of difficulty, it cannot be asserted that any person who may occupy the position of Law Officer of the Crown will have any motive to attempt to do anything unfair in regard to a change of venue. However impartially and conscientiously an Irish Law Officer acts, he is always subjected to the most violent attacks; and, therefore, he has every reason to induce him to avoid doing anything unfair. If the Attorney General ever has any temptation at all, it is to do less than his duty rather than more. He knows that he may incur odium for doing less than his duty; but he has no temptation whatever to do more. And let me tell hon. Gentlemen opposite that, so far as the Executive are concerned, the Attorney General will be altogether free from their control or influence. He may be mistaken in the judgment at which he arrives; but what he will do will be done upon his own account, and he cannot be made responsible by any Member of the Government for the way in which he exercises his judgment. That being so, and the venue having been changed by the order of the High Court, it is then provided by this section that—

> "If the accused has reason to believe that the trial could be more fairly and impartially had in a county other than the county named in the order of removal he may, in the prescribed manner and within the prescribed time, apply to the High Court to discharge or vary such order; and thereupon the High Court may order that the trial shall be had in that county in which it shall appear that the trial can be most fairly and impartially had."

That is the machinery we are providing in this clause. The hon. and learned Gentleman opposite asks—"Why do not you go to the Court in the way in which it is now approached and make a direct motion in open Court that the venue be changed?" In that case, he says, it is not likely that the Judge would direct a change of venue without good cause. He would require substantial evidence of a convincing character, which could only be given by a long series of facts, to show that it was impossible or improbable that a fair trial could be had without a change of venue. The circumstances of the case may be perfectly clear to the Crown and to persons outside the Court; but it would be difficult to prove them in the way the law requires in a Court of Justice. Such evidence, I maintain, would not be forthcoming in a disturbed district. The same causes which would render a change of venue desirable would operate in preventing the Crown from obtaining that evidence, and, as a necessary consequence, the Court would refuse to make an order. As a matter of fact, the application could only be based on general hearsay. It would be obviously impossible to give facts to show that the jurors of a particular county were not likely to do justice, and under those circumstances the Court would be practically coerced into refusing the application. It is perfectly well known that there are certain counties in Ireland in which difficulty exists, and in which jurors refuse to do their duty when a certain class of criminals is brought before them. But how could that fact be proved in the way in which a Court of Justice would require it to be proved? Information has been received again and again that jurors have been intimidated; but it is impossible to get together such evidence as would enable a Court, under the circumstances, to grant a change of venue. In point of fact, the same reasons which exist in a county in regard to preventing jurors from doing their duty would prevent the Crown from obtaining evidence to satisfy the Court that a change of venue was necessary. Therefore, if it is desirable to have a change of venue at all we must alter the mode of procedure. Let me point out that up to the present moment the Crown has never, except in one or two instances, succeeded in getting the venue changed. But although that difficulty exists on the part of the Crown, I do not think any difficulty exists in any part of Ireland which would prevent an accused person from showing that a change of venue would be an injury to him. I think that that can be clearly and easily shown. He would be surrounded by a number of persons whose sympathies would be with him, and who would be willing to come forward and state any fact which would clearly show that a change of venue would be an injury to him, and they could show it in the form of an affidavit in a way to satisfy the Court that to make an order for a change of venue would be injurious to the interests of the defendant. As the clause now stands, if the defendant applies to the Court to vary or discharge the order for the removal of the trial, the onus will not be placed upon the Crown of showing that it is impossible to get a fair and impartial trial; but the accused person, whose case might be prejudiced by a change of venue, will never experience any difficulty in obtaining evidence to show that the change would be injurious to his interests. As to the right of appeal against the certificate of the Attorney General for a change of venue, the hon. and learned Gentleman says there is no analogy for a provision of this nature. There is, however, an analogy in a well-known class of cases — namely, civil actions, which often involve issues quite as important as may be involved in some of the offences under this measure. In civil actions the plaintiff selects his own venue; but the defendant is entitled to have it changed on showing that it is expedient to do so in the interests of justice. Therefore, there is an analogy for this mode of procedure in what takes place in reference to a large class of cases that are now tried by a jury. I may add that experience shows that when a defendant applies for a change of venue on the ground that passion or prejudice may be excited against him in a particular locality the Crown has always granted the application, except where there was reason to believe that it was made merely for vexatious purposes. I have pointed out that at present there cannot be any effective change of venue except by means of such machinery as this, and we must choose between the machinery of the Act of 1882 and that which is now suggested. Our proposal is to alter the machinery of the Act of 1882 in a manner favourable to the accused. We allow an appeal to the defendant. The Government have most carefully considered the matter—not only the right hon. Gentleman the Chief Secretary, but the other Members of the Government—and for these reasons I trust that the Committee will not accept the Amendment which has been moved by my hon. and learned Friend.

Mr. HENRY H. FOWLER (Wolverhampton, E.): I am not going to discuss the precedent of the Act of 1882, for I altogether repudiate any argument based on that Act. I repudiated them yesterday, and I will not waste the time of the Committee by repudiating them again. At the same time, I frankly admit to the right hon. and learned Gentleman that the present clause is a great improvement on the Act of 1882. The Act of 1882 simply places it in the power of the Attorney General to obtain a change of venue without giving the defendant the power of appeal, whereas the present proposal confers that power. I should like to follow the right hon. and learned Attorney General through his argument, because it seems to me that it leads to a contrary conclusion to that which he has arrived at, and on his own bases the Amendment of my hon. and learned Friend the late Attorney General is perfectly justified. The position of the matter is this. The defendant, as a matter of right, is entitled to be tried in the county where the offence has been committed. The analogy which the right hon. and learned Attorney General has given as to a change of venue in a civil cause does not apply. Any right which the defendant in a civil action may have must depend upon the general law. That has no relation to the rights which prisoner or prosecutors may have in criminal trials. I presume that the right hon. and learned Attorney General for Ireland will not dispute the fact that at present any prisoner charged with a criminal offence is entitled to have the place of trial in his own county.

Mr. HOLMES: I quite admit that; but by the Common Law in civil actions the defendant had the same right.

Mr. HENRY H. FOWLER: The allegation is that, in certain counties in Ireland, it is impossible to obtain a fair trial; and, therefore, the Government ask to have the venue changed in order that justice may be done. For the sake of argument, let me assume that to be the case, and that there is a necessity for a change of venue. Does that justify the present clause? The Government have been fond of asserting that the law of Ireland ought to be the same as that in this country. Now, some 30 years ago, owing to its being found impossible to obtain a fair trial in the case of a celebrated murder in the county of Stafford, Lord Campbell introduced a Bill into Parliament to enable, under such circumstances, the place of trial to be changed; but that Act placed the power of granting such change of venue in the hands of an impartial tribunal. Lord Campbell did not vest in the prosecutor, or in the prisoner, a right to determine where the case was to be tried; but he vested the authority in the hands of the Court of Queen's Bench. Now, the enacting a procedure which deprives a man of his right to be tried under the Common Law in the place where the alleged crime was committed is a very serious step; and, therefore, in the case I refer to, the Legislature determined that it should not be vested in either of the parties to the case, but, on the contrary, that it was a judicial decision, to be arrived at by a properly qualified judicial tribunal. I will not argue the question whether a fair trial can or cannot be had in Ireland. I am assuming the premisses of the Government, and that a case has arisen in which a change of venue should take place; but my point is that an independent tribunal —namely, the High Court of Justice— should decide whether it should take place or not. The right hon. and learned Attorney General says that there might be great inconvenience and great delay; but he cut the ground from under his feet when he said that under this very clause the defendant will have a right of appeal, because the granting of an appeal would give rise to much greater delay. I do not charge the Government with any intention to act unjustly in the matter. They say—"What we propose is that the Attorney General shall have the right to change the venue on his own certificate, he being one of the parties in the case." I impute no motive to the Attorney General; but it is certainly his duty to obtain a conviction if he can, and the Government—and I think nobody will see it more clearly than the right hon. Gentleman the Chief Secretary for Ireland himself—must have been struck with this injustice which has prevailed in previous legislation. They evidently recognize the unfairness of leaving the matter entirely in the hands of the Attorney General, because they now propose that the defendant, in a prescribed time and in a prescribed manner, may apply to the Court to confirm or set aside the order for the change of venue. In other words, the Court must make a formal order for a change of venue; but on an appeal against such formal order the question may be fully argued. It will be said that by this means the Government arrive at the same terminus by a different train. No doubt that is so; but they throw the onus upon the prisoner of proving that the venue ought not to be changed, whereas the onus should rest upon the prosecutor, seeing that the Government are attempting to deprive a man of his legal right of having it proved that the venue ought to be changed. There is another reason; and that is the matter of costs. You throw upon a poor defendant the costs of an expensive legal appeal; whereas, in the other case, the wealthy prosecutor—namely, the Crown—would have to prove to the satisfaction of the Court that there was a necessity for a change of venue. In fact, in many cases of this kind, it might not be necessary for the defendant to appear at all; because I take it that the High Court in Ireland would not consent to make an order, even upon the *ex parte* application of the Attorney General, if it was not satisfied with the evidence brought forward in the case. In such case the cost of the application would be thrown upon the Crown instead of being placed upon the man who is defending his rights. I would put it to the Government whether, if they are anxious to get on with the Bill, it is not desirable that they should accept the Amendment, which would certainly sweep away a large portion of the clause? Nor is there anything in it except in regard to the mode of procedure, for we both arrive at the same end. The right hon. and learned Attorney General admits that it is not enough to make the order, but he says that the order must be, in the first instance, put as a matter of course. We say—"Do not make it a matter of course, but let the Attorney General go to the Court with his evidence to show that a fair trial cannot otherwise be obtained." We might, then, be content to allow the rest of the clause to go; and, therefore, not only in the interest of justice, but to save the time of the Committee in discussing the Bill, I trust the Government will accept the Amendment. I do not think the right hon. and learned Attorney General will be inclined to meet all the Amendments with a *non possumus*. He has not done so hitherto, but he has accepted several Amendments which I have had the honour to propose. I certainly do not look at the question from the standpoint of the right hon. and learned Gentleman. He thinks that there should be a Bill; I think that there should be none at all; but if there is to be a Bill, it is not desirable to make it unnecessarily harsh. Therefore, I ask the Government to accept this Amendment as an improvement in the law, as he proposes to amend it, and as an analogy to the law which prevails in this country in precisely similar circumstances.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The Government would only be too glad, if they could, to accept the Amendment, and, indeed, any course proposed to the Committee so temperately as that which has just been proposed by the right hon. and learned Gentleman opposite. But there is the greatest practical difficulty in the way of the Government in accepting it, and they feel themselves precluded from doing so, because they not only see very grave objections to such a course, but having regard to the effective character of the clause, and on that ground alone, they feel compelled to refuse the appeal which has been made to them. I do not propose to speak at any length upon a subject which has been so ably dealt with by my right hon. and learned Friend the Attorney General for Ireland (Mr. Holmes); but there are one or two points upon which I think I may say a few words. The hon. and learned Gentleman who moved the Amendment (Sir Charles Russell) referred to the hardship on the prisoner of removing him and all his witnesses to another part of the country on account of the expense; but so far as the witnesses are concerned, and that is really the material part, hon. Members must be aware that we have made provision in the Bill of such a nature that the prisoner will not suffer in that matter, seeing that the costs of the witnesses will be defrayed by the State. The right hon. Gentleman who has just sat down (Mr. Henry H. Fowler) said that by the clause as it stands the onus of disproof is thrown upon the defendant; that by so doing he will be involved in costs which ought to be borne by the Crown, and that we are compelling a poor peasant to undergo great expenditure in order to defend himself. But let me point out that if that objection is valid at all, it is equally valid against the clause as it would stand if the Amendment were carried. If the clause were amended, as the hon. and learned Gentleman proposes to amend it, the course of procedure would be this. The Attorney General would move for a change of venue. That proposal would be resisted by the prisoner, and the cost of resisting it would have to be borne by the defendant in exactly the same manner.

Mr. T. M. HEALY: No; not at all.

Mr. A. J. BALFOUR: If the application were not resisted by the defendant, it would be because the change of venue was right.

Mr. T. M. HEALY: Not at all.

Mr. A. J. BALFOUR: Will the hon. and learned Gentleman allow me to continue my observations? What I maintain is that the two cases lie exactly on all fours, and that in each every element of hardship is got rid of. The hon. and learned Member has pointed out that under Palmer's Act the exact machinery he wishes to introduce in this Bill is actually in force, and that the Court is required to pronounce upon the merits of the case. But is there no distinction to be drawn between what happens in England and what happens in Ireland? In England, if it is found that a change of venue is necessary, it arises from special circumstances relating to the crime, or to the persons charged with the commission of the crime. Therefore, it is required that such circumstances should be proved in Court, and consequently the rules of evidence must apply, and it is competent for the tribunal to give a sound and accurate opinion. But that is not the case when, to use an Irishism, we are dealing with an abstract condition which is not the moral condition of the whole of the country. That is a matter which a Court of Law bound by the strict rules of evidence is not competent to decide, and experience has universally shown that, whatever may be the opinion of Judges and competent persons, you have never been able to obtain a change of venue, or been able to show that the condition of a particular county was such that a fair and impartial trial could not be obtained. It cannot be seriously maintained that the failure of the change of the venue under the existing law is due solely to the fact that every observer of events outside the Court turned out to be mistaken. The real reason, as has been ably pointed out by the right hon. and learned Attorney General for Ireland, for the proposal we make is that the Court will be precluded from taking that kind of view of the circumstances of the case which every practical man would take who is not bound by the rules of evidence, but would be guided by a common-sense view of the facts of the case. Therefore, if we look at the question from a practical point of view—if we know that a fair and impartial trial by jury is impossible unless there is a change of venue, I apprehend that we must take the machinery we suggest, unless we are to fall back upon the worse and more partial machinery which was agreed to by the House in 1882. The system which we now suggest has been tried in a harsher form than we now propose, and no substantial injustice has ever been suffered.

Mr. T. M. HEALY: That is a monstrous statement.

Mr. A. J. BALFOUR: Therefore, seeing that it will be possible in every case to make an appeal and require legal evidence to be given that a change of venue is necessary, and that when the principle of change of venue was tried in a harsher form than we now suggest no inconvenience resulted, the Government are of opinion that no object is to be gained by assenting to the Amendment, and, therefore, they must oppose it.

MR. BRADLAUGH (Northampton): The right hon. and learned Gentleman the Attorney General for Ireland went much further than the clause of the Bill. The clause in the Bill anticipates an application to the High Court; it does not, I presume, mean that the application to the High Court should be a farce. Would it not be more easy to enact that the Attorney General by his own *fiat* should fix the venue wherever he pleases? It would then have been easy to add that the defendant might then go to the High Court and apply to have the venue fixed elsewhere for reasons stated, because it is the presumption, under the clause, that the High Court would really hear the application and will do something upon it. But when I listened to the argument of the right hon. and learned Attorney General I found that nothing of that kind was intended; and I also found that it was intended that the right hon. and learned Gentleman, for reasons known only to himself, should certify that a trial in a particular case should only be had in the place he chooses to name, and therefore there is no necessity for the interference of the Court. The fact that a change of venue has been ordered by the Court would arouse a prejudice against the man who is required to apply to the Court by way of appeal to vary or discharge the order already made. I can understand the argument of the Government, if they mean that the Attorney General ought to have the right to fix the venue wherever he pleases. That is an argument which, although I might not have been disposed to accept it, would have been perfectly clear; but here you go through the farce of making the High Court a party to what the Attorney General does without affording the slightest possibility of examination by the Court. I have had some experience as to the change of venue in criminal proceedings, although, of course, I do not compare my knowledge with that of the Legal Advisers of the Crown; but where notice has to be given by the Attorney General to the defendant or prisoner of an application that is about to be made, he must furnish the defendant with copies of the affidavits on which the application is to be based. It then rests with the defendant to say whether on such affidavits he is content to leave the matter to the Court, or whether he will answer. But the right hon. and learned Attorney General for Ireland says—"We cannot give evidence in support by affidavits." Affidavits in reference to a change of venue are generally made on information of belief. I have had some experience of such affidavits, and I undertake to say that I never heard any application made to any Court, except, perhaps, in Ireland—for I know very little of that country, and I am afraid that peculiar things are done there—but certainly I never heard any application made to any Court in England in which some of the paragraphs did not begin with the words—"I have been informed and verily believe." The right hon. and learned Attorney General for Ireland says that we ought not to go to that length; but that we ought to set aside all the rules of evidence. If that is so, why not return a verdict at once without any prosecution at all? Give to the Courts, which are usually governed by the rules which regulate evidence in matters affecting a change of venue in criminal trials, a very wide and liberal discretion. At present the Courts hold themselves bound by the strict rules of evidence both in regard to one side and the other, and outside legal technicalities it cannot be denied that the discretion they enjoy is invariably exercised fairly and impartially. Then, if you are to have the High Court introduced into your clause at all, give them the opportunity of exercising their discretion in the first instance. If the Government did not intend that the defendant should have any appeal at all, if they had followed the precedent of the Act of 1882—a precedent which I certainly should have voted against if I had been permitted at that time, but, unfortunately, my right to vote was denied me—if they had followed that precedent their Bill would be illogical, because they say that the defendant has a right to be heard, and the only thing they do is to put upon him the extra cost of securing a hearing. He is without the affidavits which ought to justify the making out of an order, but he is put to the cost of preparing affidavits to justify the Court in discharging the order. I did not quite understand the whole of the argument of the right hon. and learned Attorney General for Ireland. He said that the Government had been compelled to adopt the present fashion of enactment in consequence of certain technicalities which he said he would explain. I listened for those technicalities most attentively, but I failed to hear them. What was it I did hear? I heard the right hon. and learned Gentleman allege that the Government found it impossible to get the evidence they wanted. That is not a technicality; but we are told that because the Government find it impossible to get the evidence they want, it is necessary that the High Court should make an order for a change of venue on the mere certificate of the Attorney General. The right hon. Gentleman opposite asks what earthly object the Attorney General would have in certifying incorrectly. Of course, he personally could have no object whatever, and it is ridiculous to suppose that the mere costs would be any inducement, even to a pettifogging practitioner, to make an application which was not justified by a sense of justice.

MR. T. M. HEALY: Oh, dear no.

MR. BRADLAUGH: I am sorry to hear it, but, at any rate, I acquit the right hon. and learned Gentleman of any such desire on his own part. If the certificate of the Attorney General is to determine the change of venue, do not let the High Court come in at all. Let the clause run that the Attorney General by his *fiat* may name some county where he considers a fair and impartial trial may take place. I say nothing about the cost; that is comparatively a trifling matter; but of course if the defendant is required to appeal it would be necessary to employ counsel to argue legal technicalities, and that expense would be saved if the Legislature were to provide that the *fiat* of the Attorney General should in Ireland be equivalent to an order granted in England upon a writ of *certiorari*. As the clause now stands the Government virtually say that the Court is not to be trusted with the power of fixing the place where the trials take place, but that the judgment of the Attorney General is much better. That means that while the right hon. and learned Gentleman is Attorney General his judgment is to overrule everything else; but it is to be a very different thing when the Attorney General ceases to be the Legal Adviser of the Government and happens to become a Judge. The Attorney General, as a matter of fact, is to be the only Judge in the mysterious manner known to himself, but utterly incomprehensive to other people outside. The Government ought to submit to one of two things. They ought either to say, "It must rest with the Attorney General where the case is to be tried," in which case he would issue his *fiat* directing the trial to be had in a particular county, or the application should be made in open Court, and fully argued before the Judge who is to hear it. In my opinion, all formal side Bar rules ought to be swept away. I do not know whether they exist in Ireland. [MR. T. M. HEALY: Yes; they do.] Then I am very sorry to hear it, and all I have to say is that it is one of the many things that exist in Ireland which ought to be got rid of. The right hon. Gentleman the Chief Secretary says that there is only a sentimental hardship upon a prisoner in the course proposed to be adopted under this clause. [MR. A. J. BALFOUR: No; I do not say that.] I am sure the right hon. Gentleman would do me the justice of saying that I have no wish to misrepresent him. I understood him to say that he would deal with the question of occasional hardship to a prisoner, and I further understood him to contend that there was really no hardship whatever, except one of sentiment. Of course I may be wrong; but I am sure the right hon. Gentleman will not think that I desire to fasten upon him the use of a form of words which he repudiates. As to the question itself, in my view there is very serious hardship inflicted upon the prisoner. It would be a very wicked wish to wish that the right hon. Gentleman himself might be a prisoner, so that he would be able to appreciate the position; but I am quite certain that if the right hon. Gentleman found himself in that position, he would know that there was a great deal more to consider than a mere question of cost in regard to being tried 200, 300, or 400 miles away from the place in which he had been arrested. The question is not always one of the simple cost of taking the witnesses where they are to be examined on the trial; but there is very frequently the much higher cost of the pain and trouble of finding evidence at all, and of procuring witnesses who are able to say what the facts of the case are. If you change the venue in the way this clause proposes, you surround the prisoner with people with whom he has never been brought in contact before, and he has no facilities whatever for producing evidence that would tell in his favour. On the other hand, if you try a man in the county where the alleged offence has been committed he is able to take care of himself, as I myself know from experience. I have been subjected to prosecution; but, fortunately, I have always been able to take care of myself. But an ignorant peasant, a vicious man, if you will, with no knowledge of legal technicalities or the Law of Evidence, will, undoubtedly, under the provisions of this clause, be placed in a position of very considerable difficulty.

MR. FORREST FULTON (West Ham, N.): I must say that when I first saw the Amendment of the hon. and learned Member for South Hackney (Sir Charles Russell) my inclination was to support it; but on further consideration, and especially after hearing the speech of the right hon. and learned Gentleman the Attorney General for Ireland, I have come to the conclusion that there is one important fact which has been lost sight of which has decided me to vote against it. If we were discussing an abstract question as to what the course is which we ought to pursue, I should say that we ought to follow the practice laid down in Palmer's Act, and that there should be a direct application to the High Court of Justice, either by the Crown or the prisoner. But I cannot forget that this clause is introduced under special circumstances, and that it is to have no effect whatever except in a district which has been already proclaimed, and proclaimed, let it be bornei n mind, by the Executive authority directly responsible for the government of Ireland. [*Laughter from the Irish Members.*] I am perfectly well aware that hon. Members from Ireland regard an assertion of that kind as perfectly ridiculous; but, nevertheless, the fact remains that we are now considering a Bill which presumes, at any rate, that there are districts in Ireland so disturbed in their character that it is necessary to proclaim them; and when once you arrive at the fact that these powers are not to apply at all except to a district already proclaimed I think you will get rid of a good deal of difficulty. Under such circumstances, allow me to call attention to the words of the Amendment, which propose to give the defendant the power to move to have the trial fixed outside the proclaimed district. The idea of supposing for a moment that any person charged with an offence, and that offence of an agrarian character, would ever desire to move the trial out of a proclaimed district is simply absurd. No doubt, it does appear hard, at first sight, that the onus of proof should be upon the defendant, and that the defendant should be called upon to apply to the High Court to get the original order rescinded. But it must be recollected that in principle this is exactly the course which is pursued under Palmer's Act, and that whatever expense is entailed in consequence is thrown upon the defendant. An order for a change of venue having been made, it is for the defendant to show that that change of venue will be unfair to him; and in that case he is required to appear personally or by counsel to argue the question, and in such a case exactly the same costs are thrown upon the defendant as he would be compelled to incur if the Amendment proposed by the hon. and learned Member for South Hackney were adopted. As a matter of fact, the proposal now made by the Government is a very considerable improvement upon the practice laid down in the Act of 1882; and, personally, I am of opinion that if the High Court decides that a particular case ought not to be tried in a proclaimed district the Court would never think of removing the trial from the most Southern extremity to the most Northern. It certainly appears to me that no hardship will be involved in the case of the defendant having to instruct counsel to resist the application of the Attorney General; and, having regard to the fact that before an application of this kind can be listened to at all the district must have been proclaimed, I think there is no reason to fear that the judgment of the Court would not be in favour of directing that the trial shall take place in a locality where the trials shall be fair and impartial. For these reasons I cannot support the Amendment.

Mr. OSBORNE MORGAN (Denbighshire, E.): The hon. and learned Member who has just sat down has given one of the most extraordinary reasons I ever heard for supporting the provision contained in this clause. He says that he had intended to support the Amendment, but that he declines now to do so because the provision is only to apply in a proclaimed district. Now, who is to decide what is to be a proclaimed district? It is to be the Lord Lieutenant and the Attorney General for Ireland, or, in other words, Dublin Castle. As for myself, I entirely repudiate the precedent of 1882. We are none of us infallible—not even the youngest of us—and we all know that a good many things have happened since 1882. Surely if the argument of the hon. and learned Member who spoke last, or the argument of the Chief Secretary, applies at all, it will apply just as strongly against the clause as it at present stands. We lawyers know what the legal costs are of resisting a legal application of this kind, and we know also what the costs are of making a counter application. There is, however, another consideration which ought not to be lost sight of; and that is that costs may, under this particular clause, be entailed in regard to an application which ought to have been altogether unnecessary: whereas if the Amendment of my hon. and learned Friend (Sir Charles Russell) is adopted, it will not be necessary for the defendant to appear at all, and therefore he need not incur any costs whatever. I should like to know whether the right hon. and learned Gentleman the Attorney General for Ireland really knows what an order under this clause would cost the defendant? Does he know what the cost is of a simple appearance in the case of an order which is regarded as a matter of course? The only argument urged by the right hon. and learned Gentleman the Attorney General, and by the right hon. Gentleman the Chief Secretary, seems to me to be the strongest possible argument in favour of my hon. and learned Friend's Amendment. They both contend that it is improper to obtain legal evidence in favour of a change of venue in cases contemplated by the clause; but that the application must be based upon moral evidence. Now, what I contend is, that if it is impossible to obtain legal evidence in support of the application, that is the strongest argument that can be urged in favour of the Amendment. If the Amendment is not accepted, I am really disposed to think that the best plan would be to take the course of the hon. Member for Northampton (Mr. Bradlaugh), and in trials which come under this clause to take the verdict first and hear the evidence afterwards.

Mr. CHANCE (Kilkenny, S.): I am glad to find that there is at least one hon. Member who sits on the Tory Benches opposite who, on the first view of this clause, would have been disposed to vote against those who may be called the professional advisers of this Bill. I regret that the hon. and learned Member (Mr. Forrest Fulton) has seen fit to change the opinion he originally entertained, and I lament that he should now restrict his purview of this clause to cases in which the Lord Lieutenant and the Privy Council of Ireland shall have proclaimed a district. It is quite evident to my mind that the proclamation of a district can have nothing whatever to do with the circumstances of the case. So far as depriving a prisoner of his right to a fair trial is concerned, especially where an allegation is made that an unfair trial is likely to take place, if hon. Members will look at the provisions of this Bill they will see that it is altogether within the discretion of the Lord Lieutenant to declare whether a district is to be proclaimed or not; and, so far as the costs are concerned, if a defendant makes an appeal he is only to be allowed costs after all the expenses have been incurred. What is to be the position of a man who has been brought under the provisions of this Act for resisting the payment of a rent of £4 or £5 a-year? How can a man in such a position incur the cost of bringing up the witnesses who would be necessary to support his case. Therefore this provision would be an absolute nullity. How is it possible that he should incur the cost of taking witnesses from Donegal to Cork? The clause says that—

> "It is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business,"

and the Attorney General emphasized the fact that this provision is only to be carried out because such dangers now exist. The right hon. and learned Gentleman went on to say that, so far as he is personally concerned, he has always acted in an independent capacity. So far as his independence is concerned, I know nothing whatever of it; that is a matter for his own inner conscience; and it is not one of which the House of Commons can judge in any shape. He told us that personally he was prepared to exercise these powers with the greatest impartiality; but, unfortunately, we know how such powers have been exercised in other instances. There have been three examples very recently. What occurred in the trial at Sligo? The people declared that the jury panel was packed, and when a public meeting was held to protest against the steps which had been carried out in reference to the trial, the Mayor of Sligo, standing on the steps of the Town Hall, was attacked.

The CHAIRMAN: Order, order! The hon. Member is entering into matters which have no real relation to the Amendment.

Mr. CHANCE: I am sorry if I have transgressed; but I was really anxious to show what, under this provision, the Attorney General might be able to do. Let me call attention to a case of a prosecution that occurred in Cork under the Dynamite Act, when the Attorney General availed himself of his right to challenge 20 of the jury, whereas the prisoners could only challenge six. What was the course pursued by the Crown in that particular case? The Government left out the word "felony" in the indictment in order that they might reduce the number of challenges allowed to the prisoners to six; and in so doing they committed, wilfully and maliciously, an act which the lowest and meanest mind would not commit. I challenge the Attorney General to rise in his place and state whether that was not the fact.

Mr. HOLMES: I cannot say what was done in that particular case, because I had nothing whatever to do with the empannelling of the jury; but I am informed by the Solicitor General for Ireland that there was a technical mistake in omitting from the indictment the word "feloniously." Moreover, that technical flaw resulted in the fact that the indictment was quashed.

Mr. T. M. HEALY: Yes; upon an application by the prisoner.

Mr. CHANCE: The right hon. and learned Gentleman has only involved himself in further difficulty. The charge was a most serious one, and, in the end, it was shown that the Crown had indicted a man for an offence which was a statutory felony; but the omission of the word "felony" was so fatal an error that the indictment was quashed. I leave English Gentlemen sitting on that side of the House to judge whether by these tactics the position of the Crown, as Public Prosecutor, was not disgracefully abused. I am further reminded that in the case to which I am calling attention the prisoner was entitled to a copy of the affidavits, but it was not until he stood in the dock that he even heard the indictment against him read. The right hon. and learned Gentleman seems to have a somewhat short memory; but there was another case in which his Colleague who is now sitting beside him (Mr. Gibson) acted for him—namely, the trial of my hon. Friend (Mr. Dillon), for having put forward the Plan of Campaign. In that case the venue was changed to Dublin, in the belief that the Crown would be readily able to secure 12 subservient jurymen, and in his burning solicitude for a fair trial the Crown Prosecutor directed no less than 28 jurors—respectable citizens of Dublin—to stand aside, while he allowed to the defendant the right of challenging six only. We all know how these powers are exercised, and the gross abuse of them is one of the reasons which induce me to support the Amendment. We are now told that it will be sufficient to justify the Court in assenting to a change of venue that there should be a statement made upon evidence, which may simply amount to general hearsay. The Attorney General seems to forget—his memory, I am afraid, is very short—that not long ago one of his own nominees, in a case in which the hon. Member for East Mayo was concerned, made statements which were subsequently shown to be altogether destitute of foundation. So also, in applications under this clause for a change of venue, the statement that the Crown may have a difficulty in securing a fair and impartial trial may be the most misleading assertion that can be imagined. Nor must it be forgotten that the Crown has enormous funds at its disposal. Indeed, it is notorious that in connection with the administration of justice the Crown spends upwards of £300,000 a-year more in Ireland than is spent in England according to the same extent of population. Not only is that the case, but the Irish Executive utilizes the Secret Service Fund for the commission of crime and outrage in Ireland, instead of checking it. Who are the persons who will be prosecuted under this measure? Prisoners whose only crime will be that they have defended their miserable cabins; that they have protected their aged and infirm parents from the brutality of the police, and defended their wives and daughters from outrage—prisoners who have no resources whatever, but against whom the whole power and majesty of the law will be arrayed. Reference has been made to civil actions, but in such cases you do not find the intervention of the Crown, the action being one that is simply between the parties. Further than that, when the venue is changed, the defendant has the same number of challenges as the prosecutor, and is not placed at the disadvantage of knowing that the Crown can select 12 men to try the case from whom a conviction is almost a matter of certainty. I am sorry that there are Members of this Committee who are prepared to justify the action of the Irish Executive. I trust that there are Members of the Tory Party who will examine the matter for themselves; and will hesitate before they consent to give a blind and silent vote. Let me say one word as to the difficulty of placing evidence before the Court. Under a Tory Code, settled by a Tory Commission, appointed by a Tory Government in 1879, provision was made which placed the defendant and the prosecutor on a footing of equality whenever an application for a change of venue might be made. It cannot be pretended that in 1879 Ireland was less disturbed than it is now, and if the difficulties which existed in 1879 were not insupportable I do not see why they should be insupportable now.

Mr. ANDERSON (Elgin and Nairn): I am glad to find that it is conceded by hon. Members on both sides of the House that this is an important issue. It was quite an agreeable change to hear an hon. and learned Member on the other side of the House express his views upon the matter instead of those Law Officers of Ireland of whom we had become absolutely tired, and there has been not only a uniformity of argument, but an absolute unformity in regard to the persons who have reason on the part of the Government to express it. So far as the Attorney General for Ireland is concerned, his achievements to-day surpass anything he has hitherto attempted, and he has quite outshone himself. His statement was that under Palmer's Act, whenever an application has been made for a change of venue, the Court has always refused the application, the real fact being that it has always been impossible to give a satisfactory reason for a change of venue whenever an application of the Crown has been seriously challenged. The Attorney General for Ireland is to be a party with the Lord Lieutenant in proclaiming a district, and the moment a district is proclaimed you say that he is to have a right to say that there shall be a change of venue. I am glad to find that the proposal is one which in the abstract is resisted even by the hon. and learned Member for West Ham (Mr. Fulton), and I am sure that the arguments upon which it is based by the Attorney General for Ireland and the Chief Secretary for Ireland are altogether unsound.

Mr. T. M. HEALY (Longford, N.): My hon. Friend says that he is tired of hearing the Law Officers of the Crown. I cannot say that I share in that feeling, for there is one Irish Law Officer whom we have not yet had an opportunity of hearing at all—the Solicitor General for Ireland. I think it is an insult to the Irish Members that that hon. and learned Gentleman should have been required to remain silent on the Tory Benches, while the Chief Secretary for Ireland, who knows absolutely nothing about the Bill, should be put up time after time to give legal information to the House. So far as the question of costs is concerned, I am afraid that whoever drafted the Bill has kept in a provision by which what may be called a species of fat is to be provided for outside members of the Irish Bar, who are to act as devils to the Attorney General for Ireland, and receive odd briefs. Reference has been made to the fact that a provision of this kind was contained in the Act of 1882;

but it has not been stated that that provision was passed at a moment when the Irish Members had been kicked out of the House. As a matter of fact, it was agreed to when the Irish Members had been suspended, and with all its imperfections undiscussed and undebated, and without one single Irish Member having had an opportunity of saying a word upon it. If the First Lord of the Treasury carries his own Motion for the closure, the same farce will be enacted again, and any provision the Government like to insist upon will be carried without debate and without discussion. If the noble Lord the Member for South Paddington (Lord Randolph Churchill) were here, I would ask him whether, in his present zeal for economy, he thinks it right that Irish barristers should be enabled to pocket substantial fees simply for going into Court and making motions which must be carried as a matter of course? In this Jubilee Year of Her Majesty, are you going to be so princely in regard to fees and pickings for Irish counsel that, as a matter of course, you will give them a fee of two guineas where one would suffice? No doubt the Attorney General for Ireland occupies a position which requires a lot of keeping up, but it must be borne in mind that this is an expenditure which does not go into his pocket, but into the pocket of outside and inferior men, who deserve no consideration whatever. Unless the House wishes to add something to the already bloated pockets of the Irish Law Officers, I do not see why it should not be sufficient to declare that the *fiat* of the Attorney General for Ireland should be sufficient, and that the order for a change of venue should be made as a matter of course. It must not be forgotten that in many cases these crumbs which may fall from the table of Dives will only find their way into the pockets of the Lazaruses who act as the jackals of the Attorney General for Ireland, a class of animals for whom nobody has an overwhelming amount of respect. I, therefore, trust that the Government will see their way to omit this part of the Bill, and that they will provide that the simple *fiat* of the Attorney General for Ireland shall be sufficient to justify a change of venue.

MR. MOLLOY (King's Co., Birr): As far as I can undertand the object of the clause, it is to procure a fair and impartial trial; but so far as the impartiality is concerned, everything is to be left to the Attorney General for Ireland, and all the facts of the case, instead of being left to both sides, are to be left to one side only. It seems to be a sufficient answer to any proposition made by the Government to say that it is to be carried out by the Attorney General for Ireland, and no one is to question the angelic character of the Attorney General for Ireland, at any rate until he happens to leave the Government, when, of course, he will be replaced by some other right hon. and learned Gentleman who will be entitled to the same angelic description. For the purpose of explaining my view of the matter, let me assume a case. The Government think it proper to prosecute me for some offence and the Attorney General for Ireland undertakes the prosecution in the ordinary way. Now I presume that when the Attorney General of Ireland goes into Court, he forgets altogether that he is a Member of the Government, and he has no regard for that fact either in the course of the trial itself, or in preparing for it. In that case, he will simply occupy the position of counsel and will do his best for his clients, and the first thing he desires to do is to secure an impartial trial. It may be the view of the Attorney General for Ireland that an impartial trial can only be had in the County of Down, but that may not be the view of the late Attorney General for Ireland, who may have been retained. Then I cannot understand why the Attorney General for Ireland, whose relations with the Government are practically at an end the moment he goes into Court, should have rights and privileges which are not to be enjoyed by the counsel for the defence. It seems to me that if any advantage is to be given at all it ought, in fairness and on principle, to be given to the man who has to defend himself against an accusation. What I ask for in this case is, that the two counsel engaged in it shall have identically the same rights and the same privileges; whereas under the clause as it stands, the Government and their supporters desire to give in a trial before a Superior Court an advantage to one counsel only, because he happens to be a Member of the existing Government, to the disadvantage of the prisoner, and a privilege which would not be given to any counsel if he did not happen to represent the Attorney General for Ireland. That seems to me to be grossly unfair so far as the administration of justice is concerned. And now let me deal with the second part of the clause. It is quite clear that in the majority of prosecutions under this measure the Attorney General for Ireland cannot attend to them himself, and, therefore, he cannot be personally conversant with the conditions under which a particular trial may take place in any particular district, so as to be able to say of his own knowledge that a fair and impartial trial cannot be had. He has, therefore, to depend upon the knowledge of somebody else. I am quite prepared to admit that the Attorney General for Ireland himself is an angelic character in the highest degree. I do not say that jocosely, but I allow that he is a fair, honourable, and upright man. It is clear, however, that he can know nothing personally of the conditions under which a trial can be instituted. Then, on whom does he rely? He is bound to rely upon the Crown Prosecutor; and the Crown Prosecutors, like other bodies of men, may be good, bad, or indifferent. As a matter of fact, for some years a Crown Prosecutor who had more to do with political trials than anybody else was Mr. George Bolton. I simply mention the name of that gentleman, because it is so well known to the House, and the course taken by him in reference to the administration of justice in Ireland is well known. Well, if this Bill is passed, as I have no doubt it will be, Mr. George Bolton is a man who will give the information to the Attorney General for Ireland upon which the right hon. and learned Gentleman is to issue his certificate, and make his declaraction that a fair and impartial trial cannot be had. There are other George Boltons in Ireland, for the Crown Prosecutor, as a rule, is attached to Dublin Castle, and he is bound to have a bias in favour of one particular side, and a very strong bias too. Now, I say distinctly that if the Attorney General for Ireland is to obtain his information from gentlemen like Mr. Bolton, whose bias is notorious, and who is still, I believe, one of the Crown Prosecutors in Ireland, although he has been condemned by every Government who has been in Office for the last five years, although he is a gentleman who has peen proved up to the hilt to have indulged in improper practices, although it is notorious that he has been a dishonest Crown Prosecutor—and because he was a dishonest Crown Prosecutor the Government removed him from a portion of his duties—nevertheless, the Attorney General for Ireland will not deny that, under this Bill, he may have to rely upon statements made by a gentleman of that character, in order to justify him in issuing a certificate that a fair and impartial trial cannot be had in a particular locality. As a matter of fact, the Attorney General for Ireland is bound to fall back upon the Crown Prosecutor; and here we have a case in which a Crown Prosecutor has been proved, both by the late and the present Government, to be dishonest. Yet it is upon the information supplied by a Gentleman of that character that the Attorney General for Ireland is to have the privilege of removing a trial to whatever part of Ireland he may think proper. Viewing it as a matter of justice and principle, how can any hon. Member in this House defend the claim which is made by the Government, that the Attorney General for Ireland, acting under the conditions I have described, is entitled to have this privilege, while a similar privilege is to be denied to the late Attorney General for Ireland, no matter how good the case he may be able to bring forward, and however clearly he could establish that a trial in a particular district would not be a fair and impartial trial so far as his client is concerned? I was somewhat surprised to hear the hon. and learned Member for West Ham (Mr. Fulton) say that at one time he felt disposed to vote for the Amendment, because one does not expect an hon. Member on that side of the House to vote for any Amendment, good, bad, or indifferent, proposed from this side. But when the hon. and learned Member rose to explain his views, what was the defence he made for his altered action? He told us that if this clause were to be applied to the whole of Ireland he would vote for the Amendment. His only excuse for refusing to take that course, beyond the angelic character of the Attorney General for Ireland, is the fact that it is only to be applied to a part of Ireland.

Mr. FORREST FULTON: I beg the hon. and learned Gentleman's pardon; what I said was, that this power of changing the venue is only to be exercised in the case of a proclaimed district.

Mr. MOLLOY: Quite so; but that does not alter the case one iota. If it is unjust and wrong to apply this principle to the whole of Ireland, it is equally unjust and wrong to apply it to part. It cannot be denied that, even in regard to the proclamation of a district, the Lord Lieutenant is to act largely, if not entirely, upon the advice of the Attorney General for Ireland, and if the Attorney General for Ireland, for purposes of his own, chooses to proclaim a particular district, that fact does not render the application of this principle one whit the less unjust. If it is unjust to apply it to the whole of Ireland, it is manifestly unjust to apply it to part. If privileges are to be given to counsel on the one side, it is only equally right that they should be given to counsel on the other side, and for these reasons I shall feel it my duty to resist the clause to the utmost of my power.

Question put,

The Committee *divided:*—Ayes 177; Noes 142: Majority 35.—(Div. List, No. 204.) [7.25 p.m.]

Mr. MAURICE HEALY (Cork): I beg to move to leave out the word "more," after "a," in page 3, line 26. As the clause is at present drawn, all the Attorney General has to certify is that a more fair and impartial trial can be had elsewhere than in the county in which the crime is committed. I wish that he should be called upon to certify that a fair and impartial trial cannot be had in the county in which the offence has taken place. That is an intelligent proposition, and I shall be greatly surprised if the Government decline to accept it. It is quite possible there may be cases in which more fair and impartial trials can be had elsewhere; but that is not a reason why you should change the venue if a fair and impartial trial can be had in the county in which the crime takes place.

Amendment proposed, in page 3, line 26, after the first words "a," to leave out the word "more."—(*Mr. Maurice Healy.*)

Question proposed, "That the word 'more' stand part of the Clause."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): It seems to me, and I think no one will deny the proposition, that in the interest of the public, the Crown, and anyone who is anxious to see justice fairly and impartially administered, every trial should take place where the most fair and impartial trial can be had. The Government are of opinion that a trial can be more fair and impartial in one place than in another, and that, in my opinion, is a good ground for removing a trial. Assuming that we all desire that trials should take place under the most fair and impartial circumstances, it is perfectly sufficient for a certificate to be made that a more fair and impartial trial can be had in one place than in another.

Mr. MAURICE HEALY: I have never questioned the proposition which the right hon. and learned Gentleman has laid down that the form provided under this section is a sufficient form. What I complain of is that it is too sufficient. I entirely take issue with the right hon. and learned Gentleman as to what the policy of this clause should be. I entirely deny that what the Government are looking for is an ideal venue. Of course if it was the general policy of law that you could not have a trial unless you had a venue open to no conceivable objection—an ideal venue—the right hon. and learned Gentleman's contention would be perfectly intelligible. But what I say is this—that before you turn your back upon the present Constitutional doctrine that a person shall be tried in the county in which the offence is committed, it should be shown that in that county a fair and impartial trial cannot be obtained. That ought to be the foundation of an application for a change of venue. I maintain that, as the clause is at present drawn, it would not be competent for the Attorney General to make out that case. He might go into Court and admit that a fair and impartial trial can be had in the county, but say that, in his opinion, a more fair and impartial trial can be had elsewhere, and on that ground ask for a change of venue. It is absurd that the Government should ask for this power, and unreasonable to expect Parliament to grant it. Let the Government be content to leave well alone. If they have a county in which they can have a fair and impartial trial, why go speculating as to whether they can get a better trial elsewhere. They ought to remember that all things are not perfect in this world, and that even when this Bill comes into force they need not expect a state of perfection to prevail in Ireland. I maintain that if the Attorney General is satisfied that a fair and impartial trial can be had in the county in which the offence was committed, he ought to be content, and not go elsewhere to see if he can get a more fair and impartial trial.

Question put.

The Committee *divided*:—Ayes 137; Noes 85: Majority 52.—(Div. List, No. 205.) [7.50 P.M.]

MR. T. M. HEALY (Longford, N.): I beg to move to omit the words in line 27, "some county to be named in the certificate," and insert, "the County of the City of Dublin." The object of my Amendment is that the Attorney General should nominate the particular county to which the venue shall be changed, and that he should not be left to take us to Belfast, Derry, or some other places which he admits to be unfit places for the trial of certain cases. I may remind him that, so far as the Act of 1882 went, all the special jury trials took place in Dublin, with the exception of a few which came off in the City of Cork. Now, Sir, the City of Dublin contains, I have no doubt we shall be told, the great mass of the special jury classes. I do not know any other venue that contains so many except Belfast, and I am sure the Attorney General for Ireland will not tell us he is going to take us to Belfast. I may be told also that the City of Dublin venue would not always be the most suitable venue. I presume the Attorney General for Ireland could, if he liked, go to the Court and show cause. Let him put in a provision that he shall show cause. Allow me to point this out, that it was a City and County of Dublin venue which tried, for instance, the Phœnix Park cases; it was a mixed venue of the City and County of Dublin which tried all the recent political cases in Ireland. Except in the County and City of Cork I do not know where else the Government can get a sufficient number of special jurors to pack a jury. Take the County of Cork —you have only 200 special jurors. In County Clare I think you have the same number. Outside the City of Dublin you have really not sufficient special jurors qualified to act. Now, so far as the whole South of Ireland goes, I admit that my Amendment is really of no importance, but it is all-important as it is now decided we are not to be dragged to Ulster and to be tried there by members of Orange lodges and secret societies. I think now that a day is to be fixed for the termination of this Committee. I shall put down an Amendment providing that no person who is a member of any secret society shall be allowed to serve upon a special jury. If you take the case of Ulster you will find that every special juror is a member of a secret society. He is either a Freemason or an Orangeman. In this country Freemason Lodges are mere dining clubs, but in Ulster they have always a political bias—though a Catholic can join a Freemason Lodge—and these Lodges become cliques of persons of a particular class. An organization which in England really does not mean anything at all, but which is very like the Ancient and Independent Order of Buffalos, in Ireland has a bias of a very objectionable character. In the same way Orangemen would always prevail in Belfast juries, therefore I think it is a reasonable thing that the Attorney General should be compelled to choose the County of the City of Dublin as his venue, and then he should, if he likes, have power to show cause why it would be proper to change the venue from the City of Dublin.

Amendment proposed, in page 3, line 27, to leave out the words "some county to be named in the certificate," and insert, "the County of the City of Dublin."—(*Mr. T. M. Healy.*)

Question proposed, "That the words 'some county to be named in the certificate,' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I cannot but think that it would be very unfair to throw all the work which these trials will entail upon the special jurors of the City of Dublin. There are a great number of counties in Ireland situated at a great distance from the County of the City of Dublin, and it would be unreasonable to bring prisoners to Dublin from these counties, unless their expenses were paid. It is quite impossible for the Government to accept the Amendment.

MR. CHANCE (Kilkenny, S.): The Attorney General for Ireland has been very brief indeed, and very curt in giving his reasons for objecting to this Amendment. But to my mind, if I were on the Government Bench, and desired to give honest and straightforward reasons for objecting to this Amendment, I think I could give two reasons which would have a deal more cogency than the right hon. and learned Gentleman's. There is one reason perfectly obvious. No doubt, most of the jurors of the City of Dublin are men of great probity, and also men of considerable independence, and, taken from the Government point of view, they are men against whom it would be very difficult to advance anything improper; but, unfortunately for the Government, they are not men altogether of one class of mind and political belief. The real reason why this Amendment will not be accepted is that, although the City of Dublin was good enough under the Crimes Act of 1882, under the new Crimes Act it is the intention of the Government to bring prisoners from the South and West of Ireland to Antrim and to Armagh, and such like venues, try them before 12, I will not say Orangemen, but landlords, agents, or Government hangers-on, and half-pay captains. There is another very strong reason why this Amendment should not be accepted from the Government point of view, and it is this. It is an unhappy state of things, from their point of view, that all the Judges upon the Irish Bench cannot be depended upon. The Judges take certain Assizes, and it might be very awkward and inconvenient for the Government if prisoners were dragged to trial before Judges like the Chief Baron, for instance. The Chief Baron and two or three others of the Irish Judges might not give that assistance to the maintenance of law and order which, in the opinion of Dublin Castle officials, they ought to give. Therefore, it is that under this clause power is taken to delay applying for a change of venue until the last moment, until the Assizes are out and until the Crown is in a position to discover that there is a good and sound Judge to be had in certain places, to which places, of course, they will send political prisoners. The Government unquestionably will pick out the Northern venues in which sound Judges, from their point of view, are found to be presiding. These are, to my mind, the real reasons why this Amendment will not be accepted.

MR. MAURICE HEALY (Cork): Mr. Courtney, the consideration of the Attorney General for Ireland for the convenience of Irish jurors is really very touching. I am sure the jurors will be greatly edified by his attitude towards them. But perhaps I may be allowed to call attention to the way in which the Government have treated Cork jurors in holding Winter Assizes at Cork for the whole province of Munster. Nearly every year for 10 years the Winter Assizes have been held at Cork, although the Government have power to vary the place from time to time. I put a question upon this subject to the Government, but in regard to it, I received very scant courtesy indeed. In the matter of the Cork Winter Assizes, the Attorney General considered the convenience of the learned counsel prosecuting the prisoners, and the learned Judge who was to leave Dublin to try the prisoners, of importance paramount to the convenience of the jurors of Cork. In that state of things, I am not disposed to attach very great weight to his commiseration of the wrongs that have been inflicted on the jurors of the City of Dublin. We take the right hon. and learned Gentleman's declaration of sympathy as worth very little indeed. Now, what are the arguments which may be urged in favour of this Amendment. It appears to me they are many and weighty. In the first place, the City of Dublin is the centre of the legal system of Ireland, it is the place where the bulk of the civil business is done; indeed, I think it could be shown that nine out of every 10 record trials which have taken place in Ireland for the past 10 years have been tried in the City of Dublin, because, since the Judicature Act came into force, the trial of records in the City of Dublin has been a matter of great convenience. Then, Dublin being the capital of Ireland, is very convenient as regards travelling to and from it. It is easy of access, there are great facilities concerning Dublin in the way of trains and other conveyances, and considered from the point of view of the convenience of witnesses and other persons, Dublin is a very convenient place for a trial. Then, again, the burden of judicial work is cast on the shoulders of a larger number of persons in the City of Dublin than it is in any other portion of Ireland. Dublin is the largest City in Ireland, and of course the number of jurors in Dublin is larger than that elsewhere. That being so, Dublin is in that sense the place best fitted for the trial of the cases which will arise under this section. Although to change the venue of these cases to Dublin would inflict some inconvenience and additional work upon the jurors of Dublin, that inconvenience and additional work would be less than that thrown upon the jurors of any other district. Now let me test the value of the declaration of the Attorney General for Ireland by his own action within the past six months. The right hon. and learned Gentleman had himself to choose venues within the past six months. He was fixing the Winter Assizes over a vast area of Ireland, an area extending over the greater portion of Leinster and some portion of Munster. What he did was to try in Dublin prisoners of no less than seven counties in Ireland at the last Winter Assizes. So far from considering the feelings of the unfortunate jurors of Dublin he cast that additional burden upon them without the smallest compunction. Prisoners from counties so remote as Waterford were tried in the City of Dublin. It does appear to me that the right hon. and learned Gentleman should give some consideration to this Amendment. I think he might reasonably have taken into consideration the precedent pointed out by the hon. and learned Gentleman the Member for North Longford (Mr. T. M. Healy)—namely, the precedent of the Crimes Act of 1882. There is no doubt it was not compulsory on the Executive to select the City of Dublin in every particular case; but so great was the convenience of the City of Dublin, and so strong were the arguments that could be urged in favour of it, that in every case, with very few exceptions, the City of Dublin was selected by the Irish Executive of that day as the place in which to try cases from all parts of Ireland. Really, the difficulty is not to find arguments for this Amendment, but to find arguments against it—not a new experience in respect to the progress of this Bill. I certainly consider that the Government are acting unreasonably in refusing this Amendment.

MR. T. M. HEALY: I think I should make it clear that I only moved this Amendment in order to elicit the opinion of the Government in regard to the place of trial. I do not mean to say that the City of Dublin is always the best venue; but what I wanted was some declaration from the Government as to the bringing of prisoners for trial, say, from the South to Ulster. I should like to ask some of the Members of the Government who are in their places if they have ever examined the Return showing what the facts are as regards special juries. We will take the case of the County of Leitrim. There are 110 special jurors in this county, in which there are 15,000 voters or householders. You have 110 persons to whom you are going to entrust the entire administration of law and order in the whole of Ireland. There is no county, except the County of the City of Dublin, in which there are 1,000 men who in future will have any interest or concern in the administration of justice. You have reduced the special jury class in Ireland to such a condition that nowhere, except in the single instance of the County of the City of Dublin, where there are 1,300, are there 1,000 men who in future will have anything to say in the administration of the law. It is right that Englishmen should thoroughly understand this state of affairs. In some of the counties there are 100, 121, 182, 233, 271, 50, 112, 113, and so on, the average being one special juror in 50 voters. In addition to that, you cut down the special jurors still lower by the system of unlimited challenge, so as to bring the thing down to what has been called a *residuum*. I must confess that I should not like to be a special juror, for by what you are doing you are really converting the special juror class into lightning conductors for popular passion. Fortunately, they will be shielded, to a large extent, by the feeling of appeasement which the people entertain owing to the proposals which have been made by the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone).

MR. CLANCY (Dublin Co., N.): It is just possible that one of the reasons why the Attorney General for Ireland objects to the venue of the County of the City of Dublin, is that by an Act passed, I think, under a Tory *régime*, some few years ago, the City of Dublin recovered the power it formerly possessed of electing its Sheriff, and that since then it has always elected Nationalists, whether Protestants or Catholics. The people of the City of Dublin have, through the election of the Sheriff and Sub-Sheriff, clearly shown of what their political views are, and now it is on account of the prevalence of Nationalist views that the Government fight shy of the City of Dublin venue for the trial of political offences. I dare say that if we proposed the County of Dublin, instead of the County of the City of Dublin, there would not be such a great objection. In the County of Dublin they have, as High Sheriff, a rack-renting landlord—a gentleman who has made himself extremely prominent in the landlord ranks, and they have, in addition, a Sub-Sheriff of the same kidney—a man who has not only identified himself with the landlord party, but who has so far mixed himself up in illegal proceedings as to get himself reported to this House for corruption and bribery at an election—practised in the interest of the landlord minority in his constituency. It is as well that the real reason for the refusal of this Amendment should be stated in debate. The County of the City of Dublin has been, in past years, the venue for all these trials. If you go back to the beginning of the century you find the City of Dublin the venue for all political and agrarian trials of importance; and coming down to 1848, the trials for treason and treason-felony all took place in the same venue. The Fenian prisoners were tried in the City of Dublin. All the prisoners convicted under the Crimes Act of 1882 were tried in the City of Dublin; but of late years—since the Corporation of Dublin got into the habit of electing Nationalists as High Sheriff—the Government have fought shy of the City of Dublin. In the case of the last State prosecutions, the Crown first fixed the venue in the City of Dublin. But they thought better of it, and removed the venue to the County of Dublin, where they endeavoured — though unsuccessfully—to pack the panel, by the aid of the landlord Sheriff, and that corrupt official the Sub-Sheriff. The Attorney General for Ireland professes great concern for the jurors of the City of Dublin; but we can understand exactly the value of that concern. He need have no concern on that point. I may remind the right hon. and learned Gentleman that even in the City of Dublin the Crown, under the present law—notwithstanding the presence of a Nationalist High Sheriff and a Nationalist Sub-Sheriff—have, and always will have, a certain number of men who will be only too proud and too happy to act as convictors of Nationalists under all circumstances. There are many gentlemen in Dublin, well known to Dublin Castle, who hang up the Lion and Unicorn over their shop doors, and who no doubt expect to receive from the Parliamentary Under Secretary (Colonel King-Harman), in this year of the Jubilee, a medal for their services. These men will always be at hand to try political prisoners. They will be looking out anxiously for the appearance of their names in the lists. They will not object if they are called upon every day in the year to serve upon juries in political and agrarian cases. Their great glory and boast in their Freemason and Orange Lodges is that they have so many Nationalist scalps in their net. In the case of every successive prosecution you will find these men hanging round the Courts, wanting to be put upon juries, and, I venture to say, protesting loudly if they are not put upon juries. I am afraid it is a mere pretence on the part of the Government that they have any great concern for the jurors of the City of Dublin. If there is any use in urging any reasons in favour of this Amendment—and I hardly think there is, seeing the state of the Government Bench, and the attitude of the Representatives of the Government present—I venture to say there is just one reason why Dublin City is about the one venue in all Ireland which ought to try such cases as will be brought up under this Act. The cases to be tried will be cases arising out of disputes concerning land, and surely the fittest community to try cases of this sort is a constituency which is not agricultural or rural, but urban. The City of Dublin, as far as I know, is the only place in Ireland, not even excluding Belfast, where you can get a sufficient number of jurors unconnected with the land, and, therefore, to a certain extent qualified to try these cases impartially. I urge this upon the attention of the Attorney General (Sir Richard Webster). It is a solid argument and reason which ought to be taken notice of, and it is offered with a sincere desire to convince him if I can. I think my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) was somewhat out in his impression that the Government intended to make use of the other counties of Ireland besides Dublin and the Northern counties. No doubt, the Attorney General for Ireland in stating his case said something to lead to that impression. But I am afraid there are only two places in the whole of Ireland to which the Government will venture to send political or agrarian cases. They will send them to two places, and to two places only. They will send them to the town of Belfast, where Orangemen will greatly predominate on the juries, or they will send them to South Dublin, where they can, by judicious manipulation of the panel, secure a jury of rack-renting landlords to do what they want. I have no doubt that if they want convictions, they will obtain them under this Act, but their gain will be the ruin of the system they uphold.

Question put and *agreed to.*

Mr. MOLLOY (King's Co., Birr): I beg to move, in page 3, the insertion of the words ("not in Ulster,") after "county," in line 27. The object of the Amendment is, of course, very clear. The Attorney General for Ireland himself has said it would not be fair to move a trial from the Southern Provinces into the Province of Ulster. The whole of the arguments advanced by the Government in favour of this section have been entirely based upon the words "more fair and impartial trial." Now, as the Government admit, it would be unfair to move a trial from the Southern Provinces into Ulster. I take it for granted they cannot have any particular objection to the insertion of the words "not in Ulster." Speaking of Ulster in a former debate, the present Attorney General for Ireland said that Province was the most law-abiding part of Ireland. Owing to what has happened since then, he has changed his opinion to a very large extent, and admits now that a fair trial would not be had in cases arising in the Southern Provinces. Still another Gentleman may very soon succeed the right hon. and learned Gentleman in his Office, and what we want to guard against is, that there shall not be any attempt on the part of a future Attorney General to get "a more fair and impartial trial" in the Province of Ulster. We know very well that those who will be special jurors in Ulster entertain the most violent views upon anything which appertains to politics and religion; and, therefore, it would be most unfair to submit to them any case from another Province of a political or agrarian character. No one who has any knowledge of Ireland would, for a moment, suggest that the trial in Ulster, of a political offender from the South, would be fair and impartial. The Government can have no valid reason for refusing this Amendment, especially since the Attorney General for Ireland has admitted its propriety.

Amendment proposed, in page 3, line 27, after the word "county," to insert the words ("not in Ulster").—(*Mr. Molloy.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL (Sir Richard Webster) (Isle of Wight): I venture to think that this matter of the change of venue must be decided according to the facts of each case. I can imagine that Ulster would be a proper place in which some trials should take place, and in which a fair and impartial trial might be assured. It is impossible to foresee every event; and, therefore, it would not be right to pick out any of the Provinces, and say that in that Province a trial shall not be held. We must assume that people will do their duty—["Oh, oh!"]—I am quite aware hon. Gentlemen below the Gangway do not assume anything of the kind; but I, in my position, am obliged to assume that the Government will not use the clause improperly, and, for the reason I have given, it is impossible for the Government to accept this Amendment.

Mr. T. M. HEALY (Longford, N.): If the Government will accept the Proviso standing in the name of the hon. Member for Roscommon (Dr.

Commins), which is to the effect that no man shall be taken out of his own Province, except the County of the City of Dublin, the whole point will be met. This Amendment compels the Government to exclude Ulster altogether. That, of course, would not be fair, because some men might prefer to be tried in Ulster. The hon. and learned Gentleman the Attorney General (Sir Richard Webster) has said the Government will not act improperly. Why cannot we have "propriety" inserted in the Statute? We all intend to act honestly, and we do not think it an insult to have notions of propriety laid down in the form of the Ten Commandments. It is no insult to anybody that the Ten Commandments are in existence. The right hon. and learned Attorney General for Ireland has said it would not be a fair thing to take any man from a Southern county to a Northern county for trial. Will he allow us to quote that expression in the Courts? I never knew a Bill conducted on such principles as this. We have had "Will-of-the-wisp" kinds of arguments advanced by the Government when we meet them in respect to one argument, they fly to another, and subsequently they rake up the first as fresh as ever. I do beg the Government to say they will allow no man to be taken out of his own Province for trial, and perhaps it would be better to take the discussion upon this subject upon the Amendment of the hon. Member for Roscommon (Dr. Commins). Let me give a couple of instances of the bias of Ulster jurors. In the case of Bernard Smith—I forgot the man's surname the other night—one of the Crossmaglen prisoners, Judge Lawson directed an acquittal, but the jury convicted the men. In the same way, Judge Lawson made a distinction in the case of a man named Geoghan, but he also was convicted. Smith was released in a few weeks, but it took the Government two years to make up their minds whether Geoghan was guilty or not. At the end of two years they released him. It is just possible that some time or other the Friends of the Government will wish there was some such provision as I suggest. The right hon. and gallant Gentleman the Member for the Isle of Thanet, the Parliamentary Under Secretary for Ireland (Colonel King-Harman), may be glad sometimes that men cannot be taken out of Ulster to be tried. The hon. and gallant Member for North Armagh (Colonel Saunderson), if he made a fiery speech when there is a Home Rule Government, might prefer to be tried in Ulster. The senior Member for Birmingham (Mr. John Bright), in a letter he wrote to *The Times* yesterday, declared that Ulster forms a separate nationality, and yet it is to this separate nationality we are to be dragged for trial if the Attorney General for Ireland thinks fit. I would rather be tried in the City of London with *The Times* blasts operating on the jurors than be tried in Belfast. Everybody in the Committee must know what kind of justice a poor Nationalist would get in Belfast. I greatly fear that if these clauses are carried out in their integrity the people may be driven to retaliatory measures of a very violent nature.

Mr. MOLLOY: I was not aware the question is to be brought up in another and a better form. I will, therefore, ask leave to withdraw my Amendment.

Amendment, by leave, *withdrawn.*

Dr. COMMINS (Roscommon, S.): I beg to move the Amendment which stands in my name—namely, in page 3, line 29, after "certificate," to add—

> "Provided always, that nothing in this Act shall empower the removal of any trial from any one of the four provinces to anywhere outside of such province, except the County of the City of Dublin."

This Amendment, I think, scarcely requires explanation. The promoters of this Bill maintain that they are actuated by the desire to have a fair administration of justice in Ireland. Well, I will assume that they are, though I am afraid that the assumption is a rather violent one, and one which, when I go back in history, or even in my own recollection, I should find very little except the sort of protestations we have heard from them to support. However, we will assume that they mean to administer justice fairly, and if they do that, no doubt the provision, modified in the way I propose to modify this 4th clause, would be one that would conduce to a fair administration of justice in Ireland. We know that it does not conduce to a fair administration of justice in Ireland, nor to the public belief that it is fair, or intended to be fair, when there is a change of venue such as took place in the case of the Maamtrasna murders. I have no sympathy for the Maamtrasna murderers; I do not believe anyone outside their own wretched circle had any sympathy with them, yet I think that everyone, no matter who he may be, is entitled to a fair trial. Everyone who is to be put upon his defence wants a fair trial; and I do not think it conduced to the fair administration of justice in Ireland, or to the confidence of the public in the fair administration of justice, that these poor wretched people, speaking not a word of English, were moved for trial out of their own neighbourhood, and taken 60 miles away, where there was difficulty in getting witnesses, where the people were not familiar with the locality of the murder, and brought before a jury, in a certain sense, of foreigners, who did not even speak the language of these poor people, and with whom the prisoners could have no communication whatever except through the medium of an interpreter ——

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Dr. COMMINS: I am calling attention to what has been the practice in Ireland in regard to these trials. In former Acts, there was a power given to remove trials from one part of Ireland to another; but I doubt if a single instance can be adduced in which that power was exercised in such a way as to command the confidence of the people of the country, or as to have secured acquiescence on the part of the public in the fairness of the trial and the justice of the verdict. I have watched these trials for the last 25 or 30 years—so long, in fact, as I have been competent to examine these matters at all; and I challenge the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes), or the hon. and learned Gentleman the Solicitor General for Ireland (Mr. Gibson), to name a single instance where, in the last dozen Coercion Acts, powers such as those which will be given under this clause were conferred, and where a change of venue has taken place, where that change was not afterwards challenged by public opinion, and where the Law Officers of the Crown had not the direst imputations made against them, and made against them with justice, and where the verdict was not challenged as that of a partial or packed jury. I challenge these learned Gentlemen to produce a single instance in the history of previous Coercion Acts where a single removal like this did what it ought to have done—namely, to have secured acquiescence in the fairness of the verdict and of the trial. If we look at previous experience in Ireland, this provision that we are now discussing stands condemned unless modified in the manner in which I am now proposing to modify it. If the same spirit actuated the administrators of the law in Ireland as actuates the administrators of the law in England, I should not object to a provision of this kind; indeed, I should welcome it; I should take it in the form in which it stands in the Bill. We know that there are few changes of venue made in England; but we know that from the beginning, when this system of alteration of venue commenced, that the power has never been exercised in a single instance where the friends of the accused have been able to say that it was exercised for political or partizan purposes, or where they could say that it was not exercised in such a way as to provide a fairer trial than could otherwise have been had. We all remember the first occasion upon which this alteration in the law took place in England. We all know the method that was adopted in order to enable a case to be transferred from the country to the Central Criminal Court, when there was fair ground for supposing that a fair trial could not be had in the country. That was under "Palmer's Act." From the time of the passing of that Act down to the present time this alteration of venue has taken place very seldom indeed. I do not think 20 cases have occurred altogether; but in all the cases that have occurred the result was in every case to command the confidence of the country in both the fairness of the trial and the justness of the verdict. Does anyone suppose that such a result attends the alteration of venue in Ireland? Does anyone suppose that the Law Officers in Ireland, who are invested with autocratic power by this Act to move trials from one place to another as they think fit, will exercise that power as it is exercised in England? Nothing of the sort. You will have one set of people in the North who will always expect to have their trials kept at home, as were the trials at Omagh in the last Winter Assizes, so that the prisoners can have a jury selected out of their own sworn brotherhood. You have another class of people, in another part of Ireland, who will expect that their cases will be moved, as was the Maamtrasna trial, from Galway to Dublin, and so on, in order that a jury might be packed with confidence and certainty. So that Ireland is in such a state that you can have no removal of venue in criminal cases from one province to another which would not be suspected, and, I venture to say, suspected with justice, of having been arranged with a corrupt motive, and with the object of procuring a conviction. I ask is it advisable or right in the state in which we find public opinion at the present time in Ireland to add fresh fuel to fire? Is it wise to give fresh impetus to this suspicion that exists in Ireland, on the part of five-sixths of the people, that the very fountain of justice is poisoned, and that a fair trial cannot be had in any case in which there is an agrarian or political element? Is it fair or just in those who wish to induce confidence in the administration of justice to introduce a provision of this sort, which will destroy the last vestige of confidence remaining—which I venture to say is very small indeed—in the administration of justice in Ireland? Can it be said that if the Amendment I propose is adopted, anything is done which will interfere with a fair trial being had? If a crime of a political or agrarian character occurs in Cork, you will have power to change the venue to the Province of Leinster, for a trial can be removed to Dublin, where, amongst the special jury class, you have a number of persons dependent upon the Executive in every sort of way. You have practically persons upon the special jury panel to choose from, five-sixths of whom I should say are either directly or indirectly dependent upon Dublin Castle. I venture to say that not even the Law Officers of the Crown for Ireland will contradict me when I say that out of those special jurors dependent on the Castle—those tradesmen or people in the Excise or Customs, those Resident Magistrates, and those people of a variety of callings who come to Dublin to be near the Castle—the Executive would always be able to get a jury prejudiced against the prisoner, no matter where he comes from. No one, I think, will contradict that. If I had to select a jury myself for a trial of my own, I certainly would not go to Dublin. If I were charged with an agrarian or political offence, I should say that the Dublin panel would be hostile to me, and that I should not have a fair trial; and yet, under this Amendment, I would allow the Law Officers of the Crown to bring persons, if they think fit, to be tried there by a special jury, chosen from a panel prejudiced in favour of the Crown, and, if prejudice can exist in such a case, prejudiced against the prisoner. That being so, provision is in this Amendment made for a trial such as the Law Officers of the Crown, the promoters of this Bill, ought to be completely satisfied with. Conviction is what they want, and conviction is what they will get in Dublin, if they can pack a jury as completely as they did in the Maamtrasna case, as completely as they did in the case of the Phœnix Park murders, and as completely as they did in the Poole case, and as completely as they did in other cases, 50 of which I could mention if I was not afraid of delaying the Committee. Yet if the Law Officers of the Crown do this in Dublin, they have to do it in the full light of public opinion. There are 20 newspapers that will have their reporters watching everything that is done, and they will have to take action with that check which a fear of public opinion or public reprobation imposes, the only check, I am sorry to say, we have upon the Government in Ireland—the only semblance of a check which we have as a guarantee that fair trials will take place. I say the only semblance of a check. If we cannot get the reality, let us have the semblance. Pack the jury as you did in the Phœnix Park case, as you did in the Maamtrasna case, and as you did in the other case I have referred to, but, under the check I have suggested, you will have to observe a certain amount of moderation in the packing. You will not be able to do it in such a way as to outrage public opinion and the simplest principles of justice, as you did in Galway, and as you did in Sligo. You cannot outrage public opinion in Dublin as you did in Sligo, a few months ago, where your jury-packing was not only a disgrace to the administration of justice, but to all the traditions of jurisprudence and of fair play in England, as well as in Ireland. I object, Sir, to jury packing in the Irish Provinces, where it is done in holes and corners without publicity, and with no check even of the weakest kind from the Bench. We never expect anything from the Bench in Ireland in matters of this kind, because it is the obedient henchman of the Crown, as it abundantly showed itself in Sligo.

The CHAIRMAN: It seems to me that the arguments of the hon. Gentleman are directed to an Amendment which has been already rejected—namely, that the change of venue should be exclusively to the County of the City of Dublin. The hon. Member should confine his argument to his own Amendment, and not extend it to one which has already been rejected.

Dr. COMMINS: I was not aware, Sir, that that portion of my Amendment—for it is only a portion of it—had been dealt with at all. At all events, it stands in my Amendment that when you have provided that each Province should try its own cases, you have still the power of change of venue to Dublin, and I was pointing out that under this Amendment the Crown will have power to obtain juries of the kind they desire, which power ought to be sufficient, without seeking further opportunities for the alteration of venue. I think, however, I have said enough to make myself understood upon that point, and I do not wish to say more than is necessary to put my case before the House. I will now take another branch of the subject. We, in Ireland, are supposed to possess all the privileges of the British Constitution. Well, a greater fallacy historically, morally, and legally, never received the acceptance of any considerable number of sane people in this world. The British Constitution we practically never had in Ireland; the British Constitution we have not now, and even if we had it, this Bill would materially destroy it, and every shred of it would be taken away by the clause I am proposing to amend. The last particle of it would be taken away unless the Amendment I propose were accepted. In England, the very essence of trial by jury, and the good quality that is supposed to recommend it to the people, to the Legislature, to the Judges, to the jurymen themselves, and to the accused, is this—that a jury should be drawn from the vicinity and the neighbourhood of the place in which the offence has been committed. Now, we drift into what is practically useful, not as a consequence of any political theory, because the theory comes after, but from human necessity and the desire to do right that is always working in the world. By instinct we have drifted into this condition of things, which is one of the safeguards of the British Constitution. Very few charges of a criminal kind can be made in which a strict administration of justice, particularly the doing of full and impartial justice to the accused, does not require on the part of the Judges a local knowledge and a knowledge of the *locus in quo.* We all remember—it was discussed in this House so fully that I doubt whether there is an hon. Member listening to me who has not the facts impressed upon his mind—we all remember that in the famous Maamtrasna case, that which was believed to have led to a failure on the part of the Dublin jury who tried the case was through their utter ignorance of the *locus in quo.* A man stated that, in a district where there was no hedge to cover him, nor ditch to conceal him, on a moonlight, or, at any rate, on a fair night, he walked three miles behind a party of murderers without being discovered. That statement was received by the Dublin jury, who did not know the neighbourhood, but it would not have been received for an instant by 12 jurors drawn from the neighbourhood who would have been familiar with the character of the locality. But no matter how the local jury in that case had arrived at their verdict, and no matter what their verdict might have been, if they had been drawn from the locality it would not have been said that they had, in giving their verdict, fallen into error through utter ignorance of the *locus in quo.* Before a local jury, if a statement is made by a witness which violates their knowledge of the locality, and violates their knowledge of the circumstances which have occurred at the time the crime was committed, they will be able to correct it. This is the best guarantee we can have for the administration of justice fairly and purely—that the jury which tries a case shall be brought out of the neighbourhood, and shall have all the necessary local knowledge, provided they are free from prejudice. If there is any suspicion of their being prejudiced, then my Amendment provides that the prisoner shall be taken out of the district to Dublin. That is a thing which, since the trial of Palmer, has been found an excellent provision in the administration of the law in England; but that is to be abolished in Ireland. Why is it to be abolished in Ireland? We wait to hear the arguments that are to be used in support of the abolition of one of the oldest traditions of English trial by jury —a characteristic that for 1,200 or 1,300 years has been found to work so well in England, and which has only been done away with by Act of Parliament for a special purpose, which Act of Parliament has only been availed of some 20 times. Why do you seek to abolish in Ireland the principle for which I am pleading? Is it because you expect to find jurors in Antrim who will have a better knowledge of Kerry than a jury taken from the Province of Munster, and *vice versâ?* Suppose the person to be tried is a Kerry Moonlighter. He is a person whom we all dislike. I do not think the dislike of the Kerry Moonlighter is more intense on the Treasury Bench than it is on these Benches; but the Kerry Moonlighters, as well as everybody else, should have justice. From everything we hear from the other side, the Executive is anxious to give him justice. That is well; everyone is entitled to have justice; but do you think that if a young man charged with Moonlighting was sent from Kerry to be tried in Antrim by a jury of Orangemen he would receive justice? I do not think he would any more than I believe that an Antrim Orangeman would get justice if tried in Kerry. "Oh," say the Law Officers of the Crown, "you must trust to us." But when was this new principle introduced into the British Constitution I should like to know? Why, the whole theory at the bottom of the Constitution is that you are not to trust anybody—you are not to trust Judges, or even the Crown itself—but are to provide checks to prevent them from going wrong. It is only when you have these checks to prevent them from going wrong that you can trust them. And that is all that we want now. We want a check upon the Law Officers of the Crown. We want to carry out the ordinary, trite principles of the British Constitution. We do not say that the Irish Law Officers will go wrong; but we want to have the power of checking them if they show a disposition to go wrong. These Crown Officials say to us—"Trust to us, and we will see that everything is done fairly and properly." I dare say they are sincere in what they say; but I do not want people's liberty to depend upon the sincerity of those Gentlemen, because we know that not infrequently men who are sincere enough in their convictions go very wrong in their practice. We know that we cannot always prevent wrong being done. I ask the Committee to allow this one ancient principle of the British Constitution to be still preserved. Nearly all the rest are gone from us. Preserve this one. Let the trial take place within the locality, or, at any rate, in the near neighbourhood of the place where the crime has been committed, where the local knowledge exists—where a knowledge of the prisoners and the places exists on the jury panel. Act on the principle that prisoners in Ireland are entitled to the privileges that people in England possess, unless there are peculiar circumstances in the case, as there were in the case of Palmer; and if peculiar circumstances do arise, then, as I have said, you can change the venue to Dublin. But that is not all; there is another of these safeguards of the British Constitution which have been provided by experience, and that we have drifted into by that instinct to do right, to which I have already referred, which is violated by this Bill. There is another safeguard rendered nugatory, null, and void, and that is the right of challenging jurymen, which is preserved by law to a prisoner. The prisoner has a right to challenge. The Crown has also a right to challenge, no doubt. After 27 years of practice at the English Bar; after having practised as a defending counsel at the English Bar more, perhaps, than any man living, I can say that I have never known the Crown to exercise that right of challenge in this country to the prejudice of a prisoner. In the whole of my 27 years' experience I have never known a case in this country where there was even a suspicion of jury-packing. I have never known a case where the Crown has challenged anyone, and probably only about a dozen cases where jurymen have been challenged by prisoners. In this country justice is administered fairly, and neither the Crown nor the prisoner has anything to complain of. The Crown does not order jurymen to stand aside. But what do you find in Ireland—what did you find in Sligo the other day, what did you find in Cork, and what did you find elsewhere?

The CHAIRMAN: I fail to see the relevancy of the arguments the hon. Member is using to the Amendment he is proposing.

Dr. COMMINS: If you fail to see the relevancy attaching to my arguments, Sir, that is entirely my fault, and very much my fault, because I am sure there is no one cleverer at seeing the drift of an argument than yourself. One sentence will show you the relevancy of my remarks, and it is this, that a fair trial depends as much upon the right of challenge which the prisoner has as anything else. That right of challenging the jury which a prisoner possesses secures to him a fair trial in Ireland, more perhaps than anything else, and if a trial is removed, as I was putting the case just now, from Antrim to Kerry, or from Kerry to Antrim, where the prisoner does not know a single living soul in the county, how is he to exercise his right of challenge? I will take the case of a Kerry Moonlighter—no, I will not say a Moonlighter, but I will say the lad who was sent to prison for six months' recently for printing a supposed seditious document in the office of a Kerry newspaper. Suppose this lad had the same privilege in Ireland as he would have had if tried in England—namely, the privilege of being tried by his peers, and supposing the trial was removed from Kerry to Antrim, how would he be able to pick out the rabid Orangeman who would come up to take his place on the jury, and who needed only an accusation, and no proof at all, in order to convict? How would this lad manage his challenges? He would not know the men who were so prejudiced as to require no proof, and who were so angry with him and with his political party as to be prepared to give a conviction upon nothing more than an accusation. By this change of venue the right of challenge is abolished. That is how I intended to put it, Sir, and it is entirely my fault that I failed to make the matter appear relevant. I maintain that a man in Munster would have some chance of a fair trial so long as the case was kept in Munster. I maintain, further, that if anything peculiar occurs in the case you may take it from Munster to Dublin. I protest against the idea that retaining a case in the Province in which the crime has occurred is likely to give a man a partial jury. Take a Kerry Moonlighter to Waterford, and he will get very little consideration there, although he will get justice. The connection between neighbouring counties will be sufficient to enable the accused to exercise his Constitutional right of challenge; but if the venue is changed from one end of Ireland to the other, the prisoner may be placed in the midst of a population hostile to him, and he may be utterly incapable of exercising his right of challenge. *Primâ facie*, then I say, by the power which this clause gives, a prisoner will be utterly deprived of his right of challenge. My Amendment will enable him to exercise that right; and I provide against anything unfair happening by saying that if you move a man up to Dublin the Executive will be able to get a jury of their own sort—at all events, they will be able to get one which is not prejudiced in favour of the prisoner. That is my argument. I say confine your removal of venue to the Provinces. In the Provinces there is enough local knowledge to render the right of challenge that the prisoner has something actual and something real; but if you do not confine the removal to the Provinces you abolish surreptitiously the right of challenge which the prisoner possesses, and which I hold to be one of the best provisions of the British Constitution. I say do not abolish that, but restrict the right of removal to fair and proper limits. Restrict it to the Provinces and from the Provinces to Dublin, and when you have done that you will have secured a fair trial in every case and a jury that certainly will not be prejudiced in favour of the prisoner. I think I have gone over the whole argument. I never expected for one moment either to interest Gentlemen opposite or to secure their approval. I have been too long in this House to flatter myself that

I am able either to convince or to persuade hon. Gentlemen on the Treasury Bench. It is very hard indeed for a Member on these Benches to imagine that he is able to do that. Though I offer these observations to the House, they are practically not intended for the purpose of convincing the Treasury Bench, but they are intended for hon. Members of this House, some of whom have still, I hope, an open mind upon these questions. My observations are intended for those hon. Gentlemen and for the country. We have been told over and over again that we have to impugn this Act before the country, if it is possible to do so, because the case is being tried even more palpably and openly in the country than it is being tried here. We have the public Press teeming with arguments that I find repeated almost verbatim, and with an accuracy that is creditable to their memories, by right hon. Gentlemen of the Tory Party. We find not later than this day a letter paraded in the papers from a right hon. Gentleman, writing from Rochdale, in which attention is called to this very fact to which I have referred—namely, that there are a body of people in Ulster hostile to the rest of the country. The right hon. Gentleman seems to be so ignorant of the facts he is writing about, that he describes what he calls the loyal population of Ireland at about one-third of the population of the country. The right hon. Gentleman, talking in that strain, scarcely deserves notice, and he certainly would not receive it if his utterances were confined to his letter of to-day, and if it were not for his previous services to the State. But when we find such statements put forward as are put forward by this right hon. Gentleman, that Ulster is a different nation, that the feelings of Ulster are alienated from the rest of Ireland, that it constitutes practically a hostile population; and when powers are asked for by the framers of this Bill to transfer cases from Cork or Kerry or Waterford or Carlow to Ulster, where the people are described as aliens, I say that the Committee must see the necessity for my Amendment. We are told that the Ulster people have hostile feelings, that they will not submit to common government with the rest of Ireland; and when powers such as are contained in this clause are claimed, it is time I say to call the attention of the public to the arguments used in support of the authors of this measure, and to turn these arguments round against those who use them. I say, if it is a fact—as this right hon. Gentleman writing from Rochdale declares it is—that Ulster is hostile to the rest of Ireland, and is, in fact, a foreign order in Ireland, I ask with what show of justice is power claimed by the right hon. and learned Attorney General for Ireland and the Treasury Bench to transfer the trial of people from Kerry and Waterford, from Cork, or Clare, or Galway, to Belfast, or other parts of Ulster? With what show of justice or fair play do the Government seek powers to send these young women from Bodyke for trial before juries selected in Ulster? In this matter I appeal to the instinct of fair play of the people of England—I appeal to the sense of what is right in criminal jurisprudence which has been nurtured by centuries of fair trial. I trust that their instinct of fair play will revolt against this attempt to deprive the people of Ireland of the simplest, commonest, and plainest guarantee which the people have for fair play and justice in trials in this country.

Amendment proposed,

In page 3, line 29, after the word "certificate," to insert the words, "Provided always that nothing in this Act shall empower the removal of any trial from any of the four provinces to anywhere outside of such provinces, except the County of the City of Dublin."—(*Dr. Commins.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I hope the hon. Gentleman the Member for South Roscommon (Dr. Commins) who moved this Amendment will not think I am guilty of any discourtesy if in reply to his observations I do not occupy anything like the length of time which he took in introducing his proposal. He has had a great advantage in moving his Amendment, because he seems to have come fresh to the House at a rather advanced hour of the evening, and does not seem to be aware of the fact that this clause is now under discussion for the second day, and that every argument he has adduced has already been brought forward again and again. Of course coming in, as he does, not having taken any previous part in the rather protracted debates which have occurred on this clause, he possesses a great deal of energy, and is able to speak at great length. He is to be congratulated, because now, on the 11th or 12th night of the Committee on this Bill, he has succeeded, at this late hour of the evening, in making the longest speech that has been delivered up to this point. As regards the particular Amendment the hon. Member has moved there has been one advantage to me in his speech, because he has always contrived to answer his own arguments two or three sentences later on. In the beginning of his speech he showed that Dublin was the worst venue in all Ireland as far as criminals were concerned. He submitted that we should rest satisfied with the opportunity of changing the venue to Dublin for the reason that trial of prisoners there would lead to the certainty of a conviction. He would have us think that, in this way, he is making a most extraordinary concession to us. But then he went on to say that in Dublin everything occurs in the light of day, and that everything was published. But he forgot that his own Amendment enables a change of venue to take place from one county to another in the same Province, and I suppose the light of publicity is to be found no more in one part of a Province than in another, and no more in one Province than in another Province. He then fell back on another argument, and said that what he wanted was that those changes should be more or less local, as it is very desirable indeed that a prisoner should know something of the jurors before whom his case is to be brought, so that he might be able to challenge. If a Moonlighter from Kerry were to be tried the hon. Gentleman said let him be taken to Waterford; but the hon. Member must not overlook the fact that the divisions of Province are purely artificial, and that you may take a prisoner from the extreme end of one county to the extreme end of another—it might be with other counties intervening—and that this would, to all intents and purposes, be taking him into a strange neighbourhood. It would be possible to change a case from Donegal to Belfast, or from Donegal to Downpatrick, between which places there is very little connection; and then it would be impossible to take a case from Donegal to either Leitrim or Sligo, although the counties adjoin, and there is great community of interest between them. Whatever other Amendments may be moved with regard to restricting the change of venue, I must say there is nothing logical in the hon. Member's proposal, or in the arguments by which he has supported it. I trust the Committee will not accept this Amendment, and will not consider it necessary to go to a Division.

MR. DILLON (Mayo, E.): I am rather surprised that the Government do not assent to this Amendment considering what is the preamble of the clause we are now discussing—namely—

> "Whereas it is expedient to amend the law relating to the place of trial of offences committed in Ireland, for securing more fair and impartial trials, and for relieving jurors from danger to their lives, property, and business."

Now, the object, we are told of this clause is to secure more fair and impartial trials. Has the Government, at any stage on the debates upon this Bill, either in the second reading, or in the debates upon this clause, alleged or endeavoured to maintain the position that a fair and impartial trial cannot be had for all sorts of crimes in Ireland in the City of Dublin? This is really a matter of the first importance. It is because we know well that in the City of Dublin for upwards of 100 years you have had a series of trials of a political and agrarian character, and no one has ever heard it alleged in this House that there has ever been a failure of justice there. But, Sir, our case is a great deal stronger than that, because under the clause that we have just passed, the Government can bring these cases before special juries in the City of Dublin, and do they mean to say that a fair and impartial trial as they have intimated cannot be had by packing a special jury out of the City of Dublin? There is no use mincing matters with respect to this clause. We know perfectly well what we want to avoid, and I greatly fear that the Government know perfectly well what they want to obtain. We want to avoid the special jury panel of the County of Dublin; and I can conceive no motive for the Government in persisting in the refusal of this most reasonable and moderate Amendment, except this, that they desire to retain power to send their political opponents in Ireland before the special jury panel of the County of Dublin or of Belfast. Of course, it would be a good thing to pass a provision taking away from the Government the power of changing the venue from any of the three Southern Provinces to the Province of Ulster. But even if the Government had consented to that, it would, in my opinion, have left the matter very much as it now stands; because so long as they have power to go before a special jury panel in Dublin, with the powers of jury packing which they possess, it is ridiculous to suppose that they would want any further power. We have heard a great deal of mock heroics talked outside, and I dare say we shall hear a great deal talked here about the hardship that will be inflicted by Sub-section 2 of this clause. Why, Sub-section 2 is a piece of supererogation. You do not want that if you have power to go before a special jury. There is no tribunal before which a man who is suspected of being an Irish peasant, or who is suspected of sympathizing with an Irish farmer, or who is suspected of holding Home Rule or National views in Ireland—there is no tribunal in the world worse for such a man to go before than a packed jury out of the panel of the County of Dublin; and it is a perfect fallacy and simple nonsense to talk about leaving out the 2nd sub-section of this clause. The real point is, are you to bring Irish peasants, and those who sympathize with them, before a packed jury out of the panel of the County of Dublin; because if you are, you need not go on any further—you need do nothing more. Talk about trial before a Commission of Irish Judges! I would 20,000 times rather stand my trial before a Commission of Irish Judges than go before a packed jury in the County of Dublin. Talk about a change of venue from Ireland to England! I would 100,000 times rather be tried by a jury of Englishmen than go before a jury of the County of Dublin, who hate the ground I walk on, and who do not want evidence, but would be content to convict me out of the newspapers. I say that if this clause stands as it is now framed, and if prisoners of the class I have referred to are to be sent before these juries for trial, you might just as well insert a short clause in the Bill declaring that every Nationalist is guilty of any crime the Lord Lieutenant may choose to impute to him.

MR. P. J. POWER (Waterford, E.): I am not sanguine that the Government will accept the Amendment of my hon. Friend. At an early period of the evening the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes), in replying to the hon. and learned Gentleman the Member for South Hackney (Sir Charles Russell), said that reasonable Amendments had been proposed by hon. Gentlemen sitting on the Front Opposition Benches, and by others; but in making that admission he seemed to forget that not a single one of those reasonable Amendments had been accepted, consequently I am not very sanguine that this Amendment will be accepted. The Government have to thank themselves for our being compelled to bring forward this proposal, because the measure is drafted in such a way as to make it necessary to put forward such attempts as these in order to make it a reasonable measure. It is a singular thing that, since the Whitsuntide Holidays, not a single Amendment has been accepted by Her Majesty's Government, though Amendments much more reasonable than some submitted earlier on, and accepted, have been proposed. The Amendment before the Committee now merely asks that the peasants of Ireland may not be placed before juries who are picked out and selected because of their political opinions. We ask that the peasants from Kerry may not be sent before a jury selected from a panel of Antrim or Belfast. We hear a great deal from hon. Gentlemen sitting on the opposite side of the House with regard to want of respect for law and order in Ireland; but we contend that the very action they are now taking will render it impossible for the people of Ireland to respect law and order when administered in this spirit. What is more contrary to the spirit of law and order than to place a political or agrarian prisoner before a jury of political partizans? I would say it would be much better not to go before a jury at all, but to declare a man guilty at once, because conviction, under such circumstances, is simply a foregone conclusion. We hear a great deal about the people of Ulster not being in sympathy with the great majority of the people of Ireland; but we, Sir, know that we have the majority of the people of Ulster with us. But it must be remembered that if the venue of these trials is moved to Ulster the Executive will not seek a jury out of the ordinary jury panel, but will seek one from the special jury list; and those special juries are all of them either Orangemen or Freemasons. Freemasonry in this country has little political significance, but in Ireland it is quite the reverse; and we know from experience, and from the Report of the Commission appointed by the present Government, what an Orangeman means in the North of Ireland. Now, there is little or no intimidation of jurors in Leinster, Munster, or Connaught—of any class of jurors who conscientiously endeavour to discharge their duties. There is no such thing as intimidation of jurors where the law is conscientiously administered; and it is a rare case, indeed, to find such intimidation when the law is not being conscientiously administered. As I said, I am not sanguine that the Government will accept this Proviso, which we think absolutely necessary for safeguarding the interests of the people. Nevertheless, it is our bounden duty to test the views of the Committee upon the matter.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.): I think the effect of this Amendment is the same as one I have lower down.

An hon. Member: No; that is not so.

Colonel NOLAN (Galway, N.): I hope when the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) is placed upon the Irish Bench he will not treat a prisoner that may be brought before him with the same levity, and the same contempt, which he showed to-night to the arguments of the Representatives of the Irish people. He himself is elected to this House by an extremely restricted constituency, and he hardly thought it worth his while to advance a single argument against this most important proposition of my hon. Friend. The matter is one of most vital importance to those who do not represent restricted constituencies. It is of vital consequence to three Provinces, at least, in Ireland—I do not say it is of so much consequence to Ulster. I do not suppose that the present Government, who have nearly half the Ulstermen to support them, would risk offending the people of Ulster by sending down cases from that Province to be tried in Cork or Galway. I do not suppose there is a precedent for such a thing as that. The only shadow of an argument advanced by the right hon. and learned Gentleman the Attorney General for Ireland was this—that the County of Donegal is nearer to Sligo than Belfast; but it is true that if you wish to change the venue from Donegal the proper place to send a man to would be Belfast. At the same time, it would be a most unreasonable thing to send a man from Cork or from Kerry to Belfast for trial. We do not object so much to the venue being changed to the City of Dublin, for there is an enormous constituency there, although an exceedingly large proportion holds opinions diametrically opposed to those of the great mass of the people of Ireland, or those of the population of three and a-half of the Provinces. We wish to prevent the people of Galway and Mayo, and so on, from being sent for trial into totally foreign regions, so to speak, such as the City of Belfast. That, I think, is a fair proposal to make. This is not peculiarly a question affecting the Irish nation, but the point as to where a case shall be tried has been held of great importance both in England and in France. There is a notable case which occurred in England of which I would remind the Committee—the case of Governor Eyre. He was advised—and advised by a very able solicitor—to go and domicile himself in one of the Midland counties when he came to England, because there he would be sure of an aristocratic and Conservative jury. He followed that advice, and, as a result, he was acquitted. A very different result might have happened if Governor Eyre had allowed himself to be tried in one of our large Radical centres. Then, again, in France it was considered a great point for Prince Napoleon when his trial was fixed to take place at Tours, where there was an aristocratic population favourable to the Empire. Prince Napoleon was tried for his life, I believe, and it was considered a very great point that he was able to have the trial amongst a favourable population. What we want to arrive at is this—that we should not be able to pass certain limits in changing your venue limitations which have been very well known in Ireland for a long time—

the limits of Leinster, Connaught, and Munster. The Conservative and the so-called Liberal Unionist journals every day point out the enormous difference between Ulster and the other Provinces. Well, we want to establish that, and in the same way we object to having our people tried in England or Scotland, because we conceive that serious damage will be done to prisoners if they are taken out of their own Province. But we are willing to allow that there are certain important cases which, perhaps, ought to be tried in the heart of the country; and we therefore propose in this Amendment to allow the Executive to take cases to the County of the City of Dublin. We say to the Government, rest satified with the Provinces of Ireland, the least of which has five counties in it. We say, try prisoners in the heart of the country—in what has always been the chief town of the country. We say, go before the City of Dublin where there are some people connected with the land, but where the types of landlord and tenant are much less bitter than they are in Belfast, and other parts of Ulster if you like. We say, do not take cases from the South and West of Ireland to Belfast, where there is strong antipathy between people of the two religions. We also say, do not let this matter be treated in the contemptuous manner in which it has been treated up to the present. I ask how would an Ulster Orangeman like to be sent to New York for trial; yet I believe many people in Galway would think they would get a fairer trial there than they would at the hands of some Ulster jurors.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I have an Amendment on the same principle as that which is before the Committee, only in a mitigated form, and I would ask that something of the kind should be accepted. What I would propose is a practice somewhat similar to that in existence in England and Scotland. I do not know the details as to England, but in Scotland if you wish to move a case from a part of the country where you do not think there is likely to be a fair trial you bring it to the Central Criminal Court in Edinburgh. That was the course followed in the case of the Scotch crofters, and I hope that that is a course which will commend itself to the right hon. Gentleman the Chief Secretary for Ireland, who is a Scotchman, inasmuch as it is the well-established practice in Scotland. It seems to me a monstrous proposal to take a Nationalist for trial from, say, the South of Ireland to Belfast, or to take an Ulsterman for trial to Kerry. I will not throw aspersions upon the honour of the right hon. and learned Gentleman the Attorney General for Ireland, whoever he may be; but we must bear in mind that the Irish Attorney General is not a permanent official, and that he is a Member of the Executive Government, and that as such it is necessary for him to act in an administrative capacity. I maintain, therefore, that it is unfair to put in his hands as a prosecutor and a Member of the Executive the power of declaring that a trial shall be removed to a county selected by him, and not to the Central Criminal Court, as is the practice in England and Scotland. I do hope that the Government will consider this a reasonable Amendment, and that some concession will be made. It seems that this is the more necessary, because a little further on there is an ambiguity in the matter. As the Government propose that the law should stand the Attorney General for Ireland may propose one place for the trial and the defendant may propose another, and apparently the Court is not to exercise a discretion in the matter, but it is to choose between the two, so that if the Crown proposes Belfast, and the defendant proposes Kerry, owing to the ambiguity of the wording of the clause, it seems as if the Court were to be bound to decide between the two, and could not select some intermediate place. But the real point is whether you will allow a man from one place to be taken to another where extreme views against his party may prevail, instead of taking these cases to the Central Criminal Court.

MR. MAURICE HEALY (Cork): If the Government were disposed to look upon any proposition in a reasonable spirit they surely would think this a reasonable one, and would accept it. I do not think the most ferocious partizan —the most disreputable and sanguinary partizan—in Ireland would allege that the state of any Province is such that within the four corners of that Province you could not find some jury to have something like a regard to the sacredness of their oath. Let me point out that our apprehensions on this subject are not at all imaginary. We have had some experience on this question in the past, for let me point out to the House that this protection which is interposed in this clause—this protection of the High Court to which the defendant may appeal if an improper or unreasonable venue is selected—has in the past been found perfectly futile. There was a case which excited great interest in this country and in Ireland, and as to which Party feeling was very strong indeed. It was a case in which the famous Mr. George Bolton brought an action against a Member of this House—Mr. William O'Brien. In that case Mr. George Bolton laid his venue in the County of Antrim —practically in the Borough of Belfast —though of course, as everybody knew, the offence had been committed in Dublin. Well, Sir, what happened? In that case Mr. O'Brien went very naturally to the High Court in Ireland and said—"It is a monstrously unfair thing that my opponent here should be permitted to lay the venue among my enemies in Belfast. That is not fair play, and I ask the High Court to exercise the power which is always exercised in such cases, the power of changing the venue." But, Sir, as we might expect from our experience of its action in Ireland, the High Court had the highest opinion of Belfast jurors, and refused to change the venue, and their decision was upheld by the Court of Appeal, with the result that of course Mr. O'Brien, so far as a Belfast jury could do it, was mulcted in heavy damages, notwithstanding that he had proved his case over and over against this Mr. George Bolton. I say that experience of that kind shows conclusively that the protection given by this clause of an appeal to the High Court is entirely illusory—it is a hollow shield, and gives the defendant no protection whatsoever, and it would be open to the Crown in Ireland—if they should take it into their heads to do so—to bring up their political opponents and try them in hostile venues, such as we say exists at Belfast. Now, Sir, I confess that I am surprised that our arguments on this point are not listened to with more respect in that quarter of the House, because we are constantly told by a certain class of Members that Ireland consists of two races, and that one lives up in Ulster, while the other race lives in the South, and that the most deplorable consequences would follow if those two races are brought into conflict together. Is it not a monstrous thing that gentlemen who profess or pretend to hold these views should declare that as between members of these two races, who may be supposed to be in conflict, they should consider it fair that members of the one race should be taken, say, from Munster, and practically tried by their enemies in the Province of Ulster. Now, Sir, let me point out another thing. Of course, it may be said that we argue the contrary of this, and that an argument founded on this allegation does not come with a good grace from us. The hon. and learned Gentleman the Attorney General for England (Sir Richard Webster) told us a while ago on another Amendment that it is our boast that a majority of the Ulster men are decided Nationalists. That is so; but let me point out what is the real state of things. Ulster is Nationalist so far as regards the majority of its inhabitants. That is our allegation. But, in the first place, the panels of jurors—both the panel of special jurors and the panel of common jurors—do not in any sense represent the population of Ulster. Under the old franchise every man who had a valuation of £12 had a vote; but in 30 out of the 32 counties you could not put a man even upon the common jury unless he had a valuation of £40, and that shows that in Ulster the jury would be drawn from persons not of our way of thinking. The holdings in Ulster are very small, for the land has been subdivided very largely, and very few of the tenants have rents of much more than £12, so that even the common jury is drawn from persons who are hostile to us, and who are our political enemies. That being so, I do think the Government might have yielded in reference to this Amendment. It is idle to say that as regards any of the four Provinces of Ireland it is not possible for them to find, in some corner of each Province, some place where they could not find a jury panel out of which, with their facilities, they would not be able to get a jury to ensure a conviction. They have boasted of it—that even under the present system the law was perfectly capable of enforcement at the Winter Assizes, owing to the facilities of inter-provincial change of venue which this Bill would give; and all we ask of them is to acknowledge that within the four corners of each of the four Provinces there is, at least, one spot where they can get a jury to try a prisoner to their liking. They should give effect to that, and to their experience of it.

MR. COLERIDGE (Sheffield, Attercliffe): I know, Mr. Courtney, how vain it is to expect that any suggestion from this side of the House will be accepted by the Government; but I gather that the only reason for opposition to the Amendment on the part of the Government of the day is that they do desire to take the Nationalists of the South and try them by juries in the North. Whatever may be the future of Ireland—under whatever system Ireland may be governed in future, whether by a separate Parliament or by National Councils, I should have thought that any man who had a desire for the prosperity and happiness of that country would wish to bury as much as he could the animosities that at present run there; and I should have thought that no man would desire to emphasize and enlarge and perpetuate the distinctions that lay between one portion of that country and another. But how can you more perpetuate distinctions of that kind and cultivate the animosities which unfortunately and unhappily exist there at present—how can you do that more successfully than by opposing an Amendment of this kind, and by saying that you are going to take persons from one class and one creed in one portion of the country and try them by persons of another class and another creed in another portion, and try them so because they are of another class and another creed, and are in another portion of the country? I should hope even these remarks of mine may have some effect on the Benches opposite; but, at any rate, we shall give colour to these views, and show the country that the desire of the Government is not for the real happiness and prosperity of Ireland, but to emphasize and perpetuate the distinctions which exist.

DR. COMMINS (Roscommon, S.): I have put forward five points in support of the Amendment. One is that, under the Amendment I propose, there will be ample and sufficient security for the fair trial of any offence that occurs. There will be, first, the choice of the county in each Province, and after that the choice of a jury in Dublin, which jury, as I pointed out, would be not prejudiced in favour of the prisoner. I venture to say that the right hon. and learned Attorney General for Ireland (Mr. Holmes), who has spoken after me, has not answered a single solitary one of my arguments, and has not contravened or dealt with them. I venture to say that the proposed system would place in the hands of the Attorney General the power of securing an absolutely certain conviction, irrespective of right or truth or justice, whenever he thought fit. No answer has been given, or attempted to be given, to that. He has said instead —"Oh, trust to me. I am infallible and fair, and my successor will be the same." I used another argument—that it would form an intolerable grievance on the prisoners tried, who might be brought from persons of their own race and religion and habits of life and thought, and tried by persons who could not even understand the language they spoke, and they might be brought 50 or 60 or even 300 miles away, where they could not call their witnesses. The right hon. and learned Attorney General for Ireland has not answered a single one of my arguments. I gave another argument in support of the Amendment —that it would destroy one of the oldest grounds of fair trial known to the English Constitution—the selection of the jury in the vicinity from men who know something of the prisoner and of his habits and class and life and locality. Has he answered that? Not in any shape or way. He has not noticed it. Then I adduced another argument, and not an attempt has been made to meet any of them. The next argument was that it would utterly destroy and render nugatory the right of challenge. It would take a man from Kerry, where he knows the people and his lawyers know him, and try him in Antrim, where he knows nothing of the people, and where the people hate his very name and race. If you do that his right of challenge is a farce, and is utterly ludicrous. That has not been answered; it has not been attempted to be denied. Now, Mr. Courtney, I submit that when arguments of that kind, based not only on ordinary common sense, but on truth and justice, are used, they require at least an answer, and no answer whatever has been given to them.

Question put.

The Committee *divided*:—Ayes 153; Noes 225: Majority 72.—(Div. List, No. 206.) [10.45 P.M.]

MR. MAURICE HEALY (Cork): I beg to move the next Amendment—namely, in line 29, after "certificate," to add—

"Provided, that this section shall not apply in the case of any trial to be at a court of assize or commission for any county of a city or county of a town."

My Amendment is only directed to a portion of the clause. It is the universal experience at Irish Assizes that, no matter what may be the state of things in Irish counties, such localities as these I name have always been peaceful and free from crime, even in the most disturbed times. I think that the Government should recognize that state of things by accepting the Amendment.

Amendment proposed,

In page 3, line 29, after the word "certificate," to insert the words—"Provided, that this section shall not apply in the case of any trial to be at a court of assize or commission for any county of a city or county of a town."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): We are unable to accept this Amendment for the same reasons which have been already given in answer to a former proposal to exclude boroughs from the operation of the section. The Committee will remember the arguments which were used.

MR. T. M. HEALY (Longford, N.): The right hon. and learned Gentleman should not assume that the Committee is familiar with the arguments addressed to it on this question. The vast proportion of the Committee was in the Smoking Room when the point was discussed; therefore to say that sufficient argument had been used to convince the Committee was rather self-flattery. The right hon. and learned Gentleman may have convinced the Whips into saying "Aye" and "No" as they stood at the door when Members came in. Under the circumstances, I trust the right hon. and learned Gentleman will not entertain the idea that his arguments convinced the Committee.

Question put, and *negatived.*

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): There is an Amendment I wish to propose, to remove an ambiguity in page 3, line 36. The section gives power, first, to the Attorney General to claim a change of venue, and then to the prisoner; and if the prisoner proposes to remove the venue to one county, and the Attorney General proposes to remove it to another, it goes on to say—

"Thereupon the High Court may order that the trial shall he had in that county in which it shall appear," &c.

It seems to me that these words limit the discretion of the Court. I would move to leave out the word "that" before "county," in order to insert the word "any." This will enable the High Court to order that a trial shall be held in any county in which it shall appear that the trial can be most fairly and impartially had.

Amendment proposed, in page 3, line 36, leave out the word "that," in order to insert the word "any."—(*Sir George Campbell.*)

Question proposed, "That the word 'that' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I have no objection to this Amendment.

MR. T. M. HEALY (Longford, N.): Surely the Government do not mean to accept an Amendment!

Question put, and *negatived.*

Question, "That the word 'any' be there inserted," put, and *agreed to.*

MR. MAURICE HEALY (Cork): I beg to move in line 37, after the word "had," to insert—

"Provided, that where an order has been made under this section, and the place of trial is changed accordingly, the trial shall not be held for at least ten days after such order shall have been served on each defendant interested."

This Amendment is to make provision for what the Government say they are perfectly disposed to do. It is simply to provide that after a change of venue has been effected some provision shall be made to prevent the defendant being taken by surprise. Everybody knows that in an ordinary case, where a defendant makes all his preparations for a trial in a particular town, he is taken at a great disadvantage if the venue is suddenly changed. Such a change of venue may render it necessary for him to cancel all his preparations, and make new ones. The solicitor he has employed may not be able to go with him to the new venue, and he may have to employ a fresh one. The Government must see that there will be a number of preparations involved which will require time. It would be most unfair that the Court should proceed immediately with the trial without taking the trouble to find out whether the prisoner is prepared to go on or not. I think the interval I mention in my Amendment should be allowed. Ten days would be most reasonable. A prisoner may have to make fresh arrangements with regard to his witnesses, and he may want new funds, I may say, seeing the Amendment is intended to provide for several defendants, only one of whom makes the application.

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): The rules on this subject will be made by the Lord Lieutenant; and no Government would think of forcing on a trial until a defendant has had full opportunity of taking the steps necessary to defend himself. I may point out that the defendant can apply to the Court to postpone the trial.

Mr. O'DOHERTY (Donegal, N.): It is only right, I think, that those who make the rules should have a mandatory direction from this House that a certain time should be allowed between the order and the trial. We must remember that we are passing a Coercion Bill which will impose upon a person the necessity of having his witnesses and providing his solicitor and counsel, and probably taking them a long distance away from the place where he had first thought to employ them. Surely, under the circumstances, 10 days is not too much of an interval to allow a person under those circumstances. The right hon. and learned Gentleman may say that the defendant may appeal to the Court to postpone the trial; but that would be at the trial, and after all his preparations have been made, and his witnesses have been brought up. No one would go to the trouble of asking for delay after he had provided his witnesses and was ready to go on with the case. I think this Amendment would be a great improvement in the Bill, and I do not see what harm it could do. It would prevent great injustice in many cases. I do not suppose, even if the prescribed authority were applied to, and were to make an order for an adjournment, that adjournment would be less than 10 days; but I think we ought to put in the Bill itself some limit within which the trial, under the circumstances provided for in the Bill, cannot be taken.

Mr. HOLMES: Suppose a man to be tried at the Spring Assizes, and the venue is changed within 10 days before the Assize, if this Amendment is adopted there will be no possibility of trying him before the Summer Assize, even although the accused would be anxious for a trial, and might be detained in prison for four months longer awaiting one.

Mr. T. M. HEALY (Longford, N.): The right hon. and learned Gentleman the Attorney General for Ireland, whom we would always rather deal with than the right hon. Gentleman the Chief Secretary for Ireland, who is merely a lamentable excrescence on this Bill, so to speak, has put a very good point. He says that a prisoner might be prevented from being tried at a certain Assize; but I think any hardship in that direction to the prisoner would be obviated by introducing the words "without the defendant's consent." Unless this Amendment is accepted, the result may be that a venue may be changed in such a way as to prevent the prisoner from employing sympathetic counsel, who may be engaged elsewhere, and to throw him into the arms of Orange barristers. If I were to be tried, I must say I would much rather hand my case over into the hands of a gentleman whose sympathy I thought I might claim. The right hon. and learned Gentleman says that all these rules will be made by the Lord Lieutenant; but the Lord Lieutenant is the right hon. and learned Gentleman himself. He himself will have to make these rules. Surely he will not say that he is a better authority than 670 Members of Parliament. We suggest that the Committee should make these rules. If the right hon. and learned Gentleman does not happen to be in Ireland, the Lord Lieutenant may be Prince Edward of Saxe-Weimer, for his Excellency the English Viceroy may be at the races in England, whilst his Chief Secretary is at the sea side. The poor Lord Lieutenant will hardly write his own name. It is absurd to endeavour to palm off arguments of this kind upon us. [*Cries of* "Question!"] This is the question. It is a monstrous thing to suppose that the right hon. and learned Gentleman, in matters of this kind, is likely to have more sense than 670 Members of Parliament.

Mr. LABOUCHERE (Northampton): This is an instance of the way in which the Government waste the time on this Bill. Here is an Amendment proposed by my hon. Friend (Mr. Maurice Healy). It is proposed that a defendant should have a fair notice—that is to say, 10 days' notice—before the trial is brought on; and what is the reply of the Irish Attorney General? He says that the Lord Lieutenant, or he himself, would make a rule to that effect. But why are we to trust him in this matter? Why should not the rule be in the Bill? For myself, I always listen to the discussions which go on on this Bill with an open an impartial mind. I listen, and am always ready to go upon the one side or the other, whichever I think is right; but I never was more convinced that this side was right than in regard to this proposal. When hon. Gentlemen opposite complain of waste of time, they should not set such a bad example as they are doing now, but they should grant these small Amendments, instead of sitting naggling and quarrelling and splitting hairs, as if we were a parcel of lawyers.

Mr. W. REDMOND (Fermanagh, N.): I am not surprised that the Government refuse to accept the Amendment of my hon. Friend, because, if they accepted it, it would be contrary to the principle on which they are going with regard to the whole clause. The whole clause is for the purpose of changing the place of trials of Nationalist prisoners, who may be guilty of no particular offence except that of defending their homes, to some Orange district, and the landlords and the authorities of Dublin Castle will find no difficulty in getting an Orange jury to convict. That is the object of the clause, and, that being so, it is not to be wondered at that the Government refuse the Amendment of my hon. Friend to provide that if the place of trial be changed the defendant should not be called upon to defend himself in the new place of trial without notice. I do not think anything more reasonable could be asked of the Government than that if they insist on changing without sufficient reason a place of trial in Ireland, and do it suddenly and without notice, they should give the defendant full time, when he arrives at the new place of trial, to get his witnesses together, and his lawyers to defend him, and generally to make his arrangements of defence. If the Government were honestly inclined to treat the matter fairly they would not refuse to give 10 days, which is a very short space of time, to a defendant, in order to enable him to make his preparations in the new place of trial. But the refusal of the Government to give a man, suddenly taken from his own neighbourhood to a new one, time to get his witnesses together to get up his case, shows the end the Government have in view. It shows that the object of the Government is not to get a fair trial, but to secure, rightly or wrongly, the conviction of such Nationalists in Ireland who may be distasteful to the landlord class. I, for one, am not at all sorry that the Government are consistently acting on this policy. The refusal of the Government to give a man whose place of trial has been changed an opportunity to get his witnesses together, and prepare himself for trial, proves conclusively that the object of the Government, and of the whole of this Bill, and more particularly of this clause of the Bill, is to obtain convictions on behalf of the landlord classes against men who have not committed crimes at all, but have simply made themselves obnoxious to the authorities of Dublin Castle and their *protégées* the landlords, by making a stand to prevent themselves and their children from being evicted from their homes. I am sure that when it is known that the Government refuse this moderate Amendment, and will not grant a man time to get up his case when a change is made in the place of trial, all doubt will disappear from the minds of the public that the object of the Government in passing this Bill is not to put down crime at all, but to strike at their political opponents, and carry on the government of the country in the interests of the landlord classes. I am very glad indeed that the Government are going to refuse this Amendment, because it shows us that we have to expect nothing reasonable from them, and that we are to prepare ourselves to fight them on every part of this Bill to see if we cannot succeed in frustrating their nefarious and infernal designs.

MR. F. S. POWELL (Wigan): I rise to Order. I want to know if the hon. Member is at liberty to speak of the nefarious and infernal designs of hon. Members?

THE CHAIRMAN: I did not hear the words.

MR. F. S. POWELL: The hon. Member's words were "nefarious and infernal designs."

MR. T. M. HEALY: What?

THE CHAIRMAN: Perhaps the hon. Member himself (Mr. W. Redmond) will repeat the words he used.

MR. W. REDMOND: What I said was nefarious and infernal designs.

THE CHAIRMAN: On the part of whom?

MR. W. REDMOND: On the part of the Government.

MR. ARTHUR O'CONNOR (Donegal, E.): May I ask, Sir, if, when words are challenged, it is not necessary that those words should be taken down?

THE CHAIRMAN: It is not necessary in this case. The hon. Member (Mr. W. Redmond) cannot accuse any Member of this House or the Government of nefarious and infernal designs. Such language it is improper to use in the House of Commons.

MR. W. REDMOND: I applied those words not individually to any Member of the House, but to the Government collectively. However, I will withdraw the expression "infernal," and will confine myself to the expression "nefarious," and by so doing I shall make my meaning sufficiently clear.

MR. T. M. HEALY: Attention has been called to an improper expression used in debate, but the Chief Secretary for Ireland meets everything with leers or sneers or jeers. I observe him now laughing in a most improper manner. He gets a large salary for sitting on that Bench, and therefore he ought to keep his countenance, if he cannot keep his temper. Now, I want to put the matter seriously to the right hon. Gentleman. The Government refuse the prisoner 10 days before trial, but under Section 14 it is provided that—

> "There shall be paid out of moneys provided by Parliament such allowances to officers and other persons acting in pursuance of this Act; and such expenses incurred in reference to any Court exercising jurisdiction under this Act, and such expenses of persons charged, counsel, and witnesses, payable in pursuance of this Act, as the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time direct."

That is always referred to as the English section, but I understand that the Government intend to drop it. Now, surely it is reasonable there should be some opportunity of engaging counsel. If a man is taken from Cork to the Giant's Causeway, is it intended he should bring with him his counsel and witnesses at his own expense? In spite of the sneers and unworthy laughter of the Chief Secretary, I think this is a point worthy of consideration. A matter of this kind ought not to be met in the heartless and callous manner of the right hon. Gentleman. I respectfully submit that this is a matter of some importance to the Bar. I am raising it as a member of the Bar, though, God knows, I do not get much chance of practising at the Bar, because I am generally here. I maintain that when a prisoner has paid his solicitor and barrister in Cork, he should not, if he is taken up to Antrim, be obliged to pay another solicitor and another barrister.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): There is no intention of dropping the 14th section.

MR. T. M. HEALY: That is not the point. We are constantly met in this way by the Irish Chief Secretary. He thinks his an aristocratic manner—[*Cries of* "Order!"] Well, I will not say aristocratic, but I will say we are constantly met by his abrupt manner, because there is nothing aristocratic about him.

THE CHAIRMAN: Order, order! I must ask the hon. and learned Gentleman to restrain himself, and speak in a manner more becoming the Committee.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I claim to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

The Committee *divided*:—Ayes 256; Noes 131: Majority 125. [11.35 P.M.]

AYES.

Addison, J. E. W.
Agg-Gardner, J. T.
Ainslie, W. G.
Allsopp, hon. G.
Allsopp, hon. P.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Anstruther, H. T.
Ashmead-Bartlett, E.
Baden-Powell, G. S.
Baggallay, E.
Bailey, Sir J. R.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Balfour, G. W.
Baring, Viscount
Barry, A. H. Smith-
Bartley, G. C. T.
Barttelot, Sir W. B.
Bass, H.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beadel, W. J.
Beaumont, H. F.
Bentinck, rt. hn. G. C.
Bentinck, Lord H. C.
Beresford, Lord C. W. De la Poer
Bethell, Commander G. R.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Colonel H. B. H.
Bond, G. H.
Bonsor, H. C. O.
Boord, T. W.
Borthwick, Sir A.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Brown, A. H.
Burghley, Lord
Caine, W. S.
Caldwell, J.
Chamberlain, R.
Clarke, Sir E. G.
Coddington, W.
Coghill, D. H.
Commerell, Adml. Sir J. E.
Compton, F.
Cooke, C. W. R.
Corbett, A. C.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cross, H. S.
Crossman, Gen. Sir W.
Currie, Sir D.
Dalrymple, C.
Davenport, H. T.
De Cobain, E. S. W.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dickson, Major A. G.
Dimsdale, Baron R.
Dixon-Hartland, F. D.
Donkin, R. S.
Dorington, Sir J. E.
Dugdale, J. S.
Duncan, Colonel F.
Duncombe, A.
Dyke, right hon. Sir W. H.
Edwards-Moss, T. C.
Egerton, hon. A. J. F.
Egerton, hon. A. de T
Elliot, hon. H. F. H.
Elliot, G. W.
Elton, C. I.
Evelyn, W. J.
Ewart, W.
Ewing, Sir A. O.
Farquharson, H. R.
Fellowes, W. H.
Fergusson, right hon. Sir J.
Field, Admiral E.
Fielden, T.
Finch, G. H.
Fisher, W. H.
Fitzgerald, R. U. P.
Fitz-Wygram, Gen. Sir F. W.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Fraser, General C. C.
Fulton, J. F.
Gaskell, C. G. Milnes-
Gathorne-Hardy, hon. A. E.
Gedge, S.
Gent-Davis, R.
Gibson, J. G.
Giles, A.
Gilliat, J. S.
Godson, A. F.
Goldsmid, Sir J.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hn. G. J.
Grimston, Viscount
Gunter, Colonel R.
Gurdon, R. T.
Hall, A. W.
Hall, C.
Halsey, T. F.
Hambro, Col. C. J. T.
Hamilton, right hon. Lord G. F.
Hamilton, Lord C. J.
Hamilton, Col. C. E.
Hamley, Gen. Sir E. B.
Hanbury, R. W.
Hardcastle, E.
Hardcastle, F.
Hartington, Marq. of
Havelock-Allan, Sir H. M.
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Heneage, right hon. E.
Herbert, hon. S.
Hill, right hon. Lord A. W.
Hill, Colonel E. S.
Hill, A. S.
Hoare, S.
Hobhouse, H.
Holland, right hon. Sir H. T.
Holmes, rt. hon. H.
Hornby, W. H.
Houldsworth, W. H.
Howorth, H. H.
Hozier, J. H. C.
Hubbard, E.
Hughes, Colonel E.
Hunt, F. S.
Hunter, Sir W. G.
Isaacson, F. W.
Jackson, W. L.
Jarvis, A. W.
Jennings, L. J.
Kelly, J. R.
Kenrick, W.
Kenyon, hon. G. T.
Kenyon-Slaney, Col. W.
Kerans, F. H.
Kimber, H.
King, H. S.
King-Harman, right hon. Colonel E. R.
Knightley, Sir R.
Knowles, L.
Kynoch, G.
Lafone, A.
Lambert, C.
Lawrance, J. C.
Lawrence, Sir J. J. T.
Lawrence, W. F.
Lechmere, Sir E. A. H.
Lees, E.
Legh, T. W.
Lewis, Sir C. E.
Lewisham, right hon. Viscount
Long, W. H.
Low, M.
Lowther, hon. W.
Lowther, J. W.
Macartney, W. G. E.
Macdonald, right hon. J. H. A.
Mackintosh, C. F.
Maclean, J. M.
Maclure, J. W.
Malcolm, Col. J. W.
Mallock, R.
March, Earl of
Marriott, rt. hn. W. T.
Maskelyne, M. H. N. Story-
Matthews, rt. hn. H.
Maxwell, Sir H. E.
Mayne, Admiral R. C.
Mills, hon. C. W.
Milvain, T.
Morgan, hon. F.
Morrison, W.
Mount, W. G.
Mowbray, right hon. Sir J. R.
Mowbray, R. G. C.
Mulholland, H. L.
Muntz, P. A.
Murdoch, C. T.
Newark, Viscount
Noble, W.
Northcote, hon. H. S.
Norton, R.
Paget, Sir R. H.
Parker, hon. F.
Pearce, W.
Pease, H. F.
Pelly, Sir L.
Plunket, right hon. D. R.
Pomfret, W. P.
Powell, F. S.
Price, Captain G. E.
Quilter, W. C.
Raikes, rt. hon. H. C.
Rankin, J.
Rasch, Major F. C.
Reed, H. B.
Ridley, Sir M. W.
Ritchie, rt. hn. C. T.
Robertson, W. T.
Robinson, B.
Ross, A. H.
Round, J.
Royden, T. B.
Russell, Sir G.
Russell, T. W.
Sandys, Lieut-Col. T. M.
Sclater-Booth, rt. hn. G.
Sellar, A. C.
Selwin-Ibbetson, rt. hon. Sir H. J.
Seton-Karr, H.
Sidebottom, T. H.
Sinclair, W. P.
Smith, rt. hon. W. H.
Smith, A.
Spencer, J. E.
Stanhope, rt. hon. E.
Stanley, E. J.
Stewart, M. J.
Sutherland, T.
Sykes, C.
Talbot, J. G.
Tapling, T. K.
Taylor, F.
Temple, Sir R.
Tomlinson, W. E. M.
Verdin, R.
Vernon, hon. G. R.
Vincent, C. E. H.
Watson, J.
Webster, Sir R. E.
Webster, R. G.
Weymouth, Viscount
White, J. B.
Whitley, E.

Whitmore, C. A.
Williams, J. Powell-
Wilson, Sir S.
Wodehouse, E. R.
Wood, N.
Wortley, C. B. Stuart-
Wroughton, P.
Young, C. E. B.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W. H.

NOES.

Abraham, W. (Glam.)
Abraham, W. (Limerick, W.)
Acland, A. H. D.
Allison, R. A.
Asquith, H. H.
Atherley-Jones, L.
Barran, J.
Blake, T.
Blane, A.
Bolton, J. C.
Bradlaugh, C.
Broadhurst, H.
Brown, A. L.
Burt, T.
Cameron, J. M.
Campbell, Sir G.
Campbell, H.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Clark, Dr. G. B.
Coleridge, hon. B.
Commins, A.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Cossham, H.
Cremer, W. R.
Crossley, E.
Deasy, J.
Dillon, J.
Dillwyn, L. L.
Dodds, J.
Ellis, J. E.
Ellis, T. E.
Esslemont, P.
Farquharson, Dr. R.
Fenwick, C.
Finucane, J.
Foley, P. J.
Foster, Sir W. B.
Fox, Dr. J. F.
Gill, T. P.
Gladstone, H. J.
Grey, Sir E.
Gully, W. C.
Haldane, R. B.
Harrington, E.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Healy, T. M.
Hooper, J.
Hunter, W. A.
Jacoby, J. A.
Joicey, J.
Kennedy, E. J.
Kenny, C. S.
Lalor, R.
Lawson, Sir W.
Lawson, H. L. W.
Leake, R.
Lefevre, rt. hn. G. J. S.
Lewis, T. P.
Macdonald, W. A.
M‘Arthur, A.
M‘Arthur, W. A.
M‘Cartan, M.
M‘Donald, P.
M‘Donald, Dr. R.
M‘Kenna, Sir J. N.
M‘Laren, W. S. B.
Maitland, W. F.
Mappin, Sir F. T.
Marum, E. M.
Mason, S.
Molloy, B. C.
Morgan, O. V.
Morley, A.
Mundella, right hon. A. J.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Connor, A.
O'Connor, J. (Kerry)
O'Connor, J. (Tipperary.)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Kelly, J.
Peacock, R.
Pease, A. E.
Pickard, B.
Pickersgill, E. H.
Picton, J. A.
Pinkerton, J.
Powell, W. R. H.
Power, P. J.
Power, R.
Price, T. P.
Priestley, B.
Provand, A. D.
Pyne, J. D.
Quinn, T.
Redmond, W. H. K.
Roberts, J.
Roberts, J. B.
Roe, T.
Rowlands, J.
Rowlands, W. B.
Rowntree, J.
Sexton, T.
Shaw, T.
Sheehan, J. D.
Smith, S.
Stack, J.
Stanhope, hon. P. J.
Stansfeld, rt. hon. J.
Stevenson, F. S.
Sullivan, D.
Summers, W.
Swinburne, Sir J.
Tuite, J.
Wallace, R.
Warmington, C. M.
Wayman, T.
Williams, A. J.

TELLERS.
Biggar, J. G.
Sheil, E.

Question put.

"That the words, 'Provided, that where an order has been made under this section, and the place of trial is changed accordingly, the trial shall not be held for at least ten days after such order shall have been served on each defendant,' be there inserted."

The Committee *divided*:—Ayes 152; Noes 258: Majority 106.—(Div. List, No. 208.) [11.45 P.M.]

Mr. J. F. X. O'BRIEN (Mayo, S.): I beg to say, Sir, that I did not hear the Question put, and voted, accidentally, in the wrong Lobby.

The CHAIRMAN: The mistake cannot be rectified now, as the numbers have been announced at the Table by the Tellers.

Dr. CLARK (Caithness): I beg to move that you do report Progress, Sir, and ask leave to sit again. I do this in order that we may hear from the First Lord of the Treasury whether he intends to take to-night the proposed Mail Contract with the Peninsular and Oriental Steamship Company.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): I wish to say that, unless any hon. Member objects to the proposal, I understand that it will be for the convenience of the House generally that the discussion of the proposed India-China Mail Contracts be postponed until Monday week.

Mr. T. M. HEALY (Longford, N.) Will the right hon. Gentleman say whether he intends to take the Customs and Inland Revenue Bill to-night?

The CHAIRMAN: There is no Question before the Committee. The Question has not been put.

Dr. CLARK: I will withdraw the Motion.

Several hon. Members: No, no!

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Dr. Clark.*)

Mr. T. M. HEALY: I ask the right hon. Gentleman whether he intends to take the Customs and Inland Revenue Bill to-night, as it is the intention of some of my hon. Friends to discuss the tobacco question as affecting Ireland, and also the question of the allocation of

£50,000 for arterial drainage, which we have reason to look upon as a gross job?

MR. ARTHUR O'CONNOR (Donegal, E.): May I ask whether the Government have come to any decision as to the point raised at the commencement of the Sitting—namely, as to whether they intend to make progress to-night with the Coal Mines Regulation Bill?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): I would propose that we make progress with the Customs and Inland Revenue Bill to-night if we reach it at anything like a reasonable hour. The question the hon. Member opposite (Mr. T. M. Healy) refers to—namely, the allocation of £50,000 to arterial drainage in Ireland—has nothing to do with the Customs and Inland Revenue Bill.

MR. T. M. HEALY: May I ask what the right hon. Gentleman considers a "reasonable time"? According to their proposed new Rules, the Government seem to think half-past 12 a reasonable hour for relinquishing Business for the night. I do not know whether reasonableness is to change according to the time of the year.

MR. W. H. SMITH: There does not seem to me any reason why the Committee should not arrive at a decision on the sub-section immediately. If it does, my right hon. Friend the Chief Secretary for Ireland will then make a statement with reference to Sub-section 2. After that we shall immediately report Progress, and the Customs and Inland Revenue Bill may then be taken.

SIR WILLIAM HARCOURT (Derby): That seems a very reasonable course. If we decide on the sub-section before the Committee, the Government will state what course they intend to take with Sub-section 2.

MR. T. M. HEALY: It is not a reasonable thing to take the Customs and Inland Revenue Bill to-night. It would be an unfortunate thing to take it at this late hour of the night (12.10) in view of the important considerations to be raised. The right hon. Gentleman the Chancellor of the Exchequer says that the question of the allocation of this £50,000 will not arise under that Bill. I do not know what decision the Chair will give on the point, but the question certainly seems to me relevant seeing that it is proposed to allocate this money out of the Chancellor of the Exchequer's surplus.

MR. ARTHUR O'CONNOR: The question I put to the right hon. Gentleman had no reference to the Customs and Inland Revenue Bill, but was with regard to a subject which interests a large number of people inside and outside this House—namely, the Coal Mines Regulation Bill. The intentions of the Government respecting this measure are not known, and a large number of hon. Members have remained here in a state of uncertainty as to the course that is to be taken upon it to-night. I want some kind of definite announcement as to when the Bill is likely to be brought forward.

MR. W. H. SMITH: Earlier in the evening I stated that the Coal Mines Regulation Bill was to be taken, if it was agreeable to hon. Gentlemen representing constituencies interested in coal mines, between half-past 11 and 12 o'clock. Early in the evening—shortly after that announcement was made—I received a communication from those Gentlemen to the effect that it would not be agreeable to them that the Bill should be taken at that hour. I yielded to the representation then made, and announced, through the customary channels, that the Bill would not be taken this evening. It is impossible for me to say when the Bill will be taken. I am anxious to make an arrangement for it to come on, however, and it will be taken on the first convenient opportunity.

MR. BURT (Morpeth): I would appeal to the Government to fix a time that will afford an opportunity for the discussion of this Bill, seeing that it involves the interests of 500,000 of the population of this country—and not only their interests, but their lives. It will be exceedingly inconvenient to have it put down at times when there is no opportunity of reaching it and having it discussed.

MR. W. H. SMITH: I am not responsible for the inconvenience that is spoken of. The hon. Member will bear me out that I have made repeated statements in this House and to him, on the subject, and I have his letter stating that it would not be agreeable to himself and his Colleagues that this Bill should be taken after half-past 11 o'clock. I am not now able to state the day on which it will be possible to take it at an earlier hour.

Mr. ARTHUR O'CONNOR: If hon. Members only knew the thinness of the thread by which the lives of hundreds of thousands of these men——

The CHAIRMAN: This discussion, however interesting, is not relevant to the Motion to report Progress.

Mr. ARTHUR O'CONNOR: I would ask the Government whether they think it more important to destroy the liberties of the subjects of the Queen—[*Interruption.*]

The CHAIRMAN: Order, order! Does the hon. Member for Caithness wish to withdraw the Motion?

Dr. CLARK: Yes, Sir.

Motion, by leave, *withdrawn.*

Mr. MAURICE HEALY (Cork): I beg to move in page 3, line 37, after "had" to insert—

> "Provided that the Court may, in any proper case, award any defendant his costs of any proceedings under this section."

I trust the Government will see their way to accept this Amendment. They have already accepted its principle, and have provided that when a change of venue takes place the Crown shall pay the cost of that change. They have limited the proposal, as I understand it, to the payment of the expenses of the defendant's witnesses and the expenses incurred if there is a subsequent trial.

Amendment proposed,

> In page 3, line 37, after "had," to insert the words, "Provided that the Court may in any proper case award any defendant his costs of any proceedings under this section."—(*Mr. Maurice Healy.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): I will endeavour to make the matter clear on Report, so as to provide that if a defendant succeeds in his application he will be entitled to costs.

Mr. MAURICE HEALY: I would ask the right hon. and learned Gentleman to consider whether it would not be possible to accept the Amendment in its present form, and to give the Court power to allow the defendant his costs, even if the decision is against him, if the Court thought he had a reasonable case.

Mr. HOLMES: I have said that I propose to deal with the matter on Report. I will endeavour to amend the Bill in this respect to some extent, but I cannot undertake to go so far as the hon. Member suggests.

Amendment, by leave, *withdrawn.*

Mr. T. M. HEALY (Longford, N.): I now move the Amendment which stands in the name of my hon. Friend the Member for South Kilkenny (Mr. Chance) to insert after "had" in line 37—

> "Provided, that an order made under this section may be appealed from to Her Majesty's Court of Appeal, which shall have jurisdiction to hear such appeal, and to confirm, vary, or reverse such order as may seem just."

When we remember the case of Father Keller we see how desirable it is to have an appeal in these matters. The public generally have confidence in the Court of Appeal in Ireland, and I trust the Government will not allow men to be deprived of their liberty—to have their lives and liberties imperilled—under this section without giving them an appeal in the matter.

Amendment proposed,

> In page 3, line 37, after "had," to insert the words—"Provided, that an order made under this section may be appealed from to Her Majesty's Court of Appeal, which shall have jurisdiction to hear such appeal, and to confirm, vary, or reverse such order as may seem just.—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): The Government cannot accept this Amendment. It would be absurd to allow an appeal on a mere exercise of discretion on the part of the High Court. No appeal was given in criminal cases in the Judicature Act of 1873, though a similar provision was inserted in the Irish Judicature Act; but if this Amendment were accepted there is little doubt that advantage would be taken of it in every case, if only to procure delay.

Mr. T. M. HEALY: Does the right hon. and learned Gentleman mean to say that the discretion of partizan Judges should not be overruled by giving an appeal to independent men? We all know that the Judges of the Court——

The CHAIRMAN: The hon. and learned Gentleman has been frequently told that he must not attack the Judges as he is now doing. There is a Constitutional method of calling the action of these officials in question.

Mr. T. M. HEALY: Some of the Judges to whom I was referring are dead and gone, and my attack would not do them much harm. One of them is in the House of Lords, and no attack could reach him. The practice of the Government has been for the Government to put political partizans into the Court of Queen's Bench, so as to form a Court on which they can rely. We propose that there should be an appeal from this Court to one that has been reasonably constituted—namely, the Court of Appeal in Ireland. The Government seem to think that the Court of Queen's Bench and the Court of Appeal are equally deserving of being incensed by this House; but our preference for the Court of Appeal ought not to be offensive to the Queen's Bench Division, seeing that the gentlemen in the Court of Appeal have much higher salaries, and from their position are entitled to much more respect. I think it most unreasonable for the right hon. and learned Gentleman to refer to what was done in the Judicature Act. That Act was passed before the franchise had been extended, and when you had representing Ireland in this House a corrupt Party who looked after their own interests more than anybody else's and were always on the watch for jobs. That Party did not object to the constitution of this Court, but the Party now representing Ireland do object to it. If we had a Judicature Act like that referred to to pass again we should fight it tooth and nail. I say in 1873 the Irish people were not represented as they are now. That period was the dark ages as compared with the present time, so far as the representation of Ireland in this House is concerned.

Mr. DILLON (Mayo, E.): In a certain well known case—that of Canon Keller, of Youghal — the defendant would have been kept in prison to this moment if it had not been for an appeal to the Court of Appeal in Dublin. Canon Keller's imprisonment was illegal; but the Court of Queen's Bench held it to be perfectly legal. The Court of Appeal decided against the Court of Queen's Bench by a majority of 3 to 1. That being an example—a recent example—of the untrustworthiness of the partizan Court, I think it hardly decent for the Government to resist us in this matter. We are entitled, under the circumstances, to say that they resist our attempt to secure this appeal because they know they are secure under present arrangements, and that the Court of Queen's Bench will not oppose the wish of the Executive.

Mr. MAURICE HEALY (Cork): I would ask English legal Gentlemen to bear in mind what it is the Government have done in this matter. If I bring an action for £20 in one of the Superior Courts, and lay the venue in any part of Ireland, any party to that action can apply to have the venue changed; but the Government have now decided that in a case where a man is tried for his life, and the Government lay the venue in a particular place, if the prisoner objects to that venue, and appeals to the Court of Queen's Bench, and the Court of Queen's Bench refuses to hear him, he is not to have an appeal from their decision in a matter that may affect his life, and must affect his liberty. I cannot conceive anything more monstrous than that. In the smallest and most trumpery action you can have an appeal, and it is most monstrous for the right hon. and learned Gentleman to tell us that you cannot have an appeal against the "discretion" of the Court. I say it is not a matter of discretion. It is a question of fact in itself. The Court has to decide whether it is or is not a fact that the venue to which the trial is to be changed is of such a character that you can get a more fair and impartial trial there than in the place where the venue would be ordinarily laid. That is an allegation of fact to be decided, and it is perfectly idle and monstrous to say that this is merely a matter of discretion. There are appeals every day on this question of venue in civil cases, and no one has ever pretended that in civil actions it is a question for the discretion of the Court. The Court is trying an ordinary motion, on which it is to come to a conclusion on the evidence placed before it—not oral evidence, but evidence contained in affidavits. I did think that this was a point on which we might expect a favourable hearing. I do not desire to make any attack on the Court of Queen's Bench; but Members on all sides must be aware of this fact—that the Court of Queen's Bench is so constituted that the Irish people have not—rightly or wrongly—confidence in it. That has been declared in this House over and over again. Their partiality and their decisions have been frequently attacked; and as to cases in which an appeal has been taken from their decisions on political matters, those decisions have been over and over again reversed. The Court consists of four political Judges, and it is simply atrocious to say that on a matter in which the life of a prisoner may be concerned there should be no power of appeal. After such a decision as that we may expect anything of the Government.

MR. MAC NEILL (Donegal, S.): The Attorney General for Ireland opposes this Amendment, because he says it is a matter for the discretion of the Court, and it is not usual on such questions that there should be a power of appeal. Well, I should like to ask the House to look at the process by which this change of venue is brought about. It is brought, in the first instance, before the right hon. and learned Gentleman the Attorney General for Ireland himself, and it is a matter for his discretion, as an Officer of the Crown, and the Member of a political Executive, to say, without any evidence, and on his simple certificate, that the venue ought to be changed. But then, if the defendant wishes to question this decision, he may bring evidence before the Court, so that the question for the Court to decide is a question of fact. Now, by an insidious provision of this Bill—all through it—the Court is called the High Court of Justice in Ireland. Now, we look to the Judicature (Ireland) Act, and we find that the High Court for criminal matters does not consist of one or all of the Judges of the Supreme Court in Ireland; it consists, and can consist, only of the Judges of the Queen's Bench Division. Therefore, the Queen's Bench Division is the tribunal before which alone these cases can be decided. If it is true that the Queen's Bench is a political Court—I say nothing whatever about that—what is more reasonable—having regard to the case of the Rev. Father Keller, who, if there had been no appeal from the Judge in Bankruptcy, would have been in prison at this moment for contempt of Court—than that there should be the right of appeal on this question of venue to the Court of Appeal? The hon. and learned Gentleman the Solicitor General for England well knows that the Criminal Code Bill—the preamble of which said that it was expedient that there should be equal justice for England and Ireland—laid it down as an essential principle of criminal jurisprudence that there should be a right of appeal. That shows the tendency of criminal legislation in this matter, and will you deny to carry out that principle now that you are passing an amendment of the Irish Criminal Law which is intended to be perpetual? Without this Amendment the safeguards in this clause are quite illusory. The Court has no discretion whatever. They are presented to the gaze of the English people as acting judicially, while really they are mere puppets of the political agents of Dublin Castle.

Question put.

The Committe *divided:*—Ayes 133; Noes 236: Majority 103.—(Div. List, No. 209.) [12.40 A.M.]

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I rise, Sir, for the purpose of moving the omission of the 2nd subsection of this clause. There is an Amendment on the Paper standing in the name of my hon. Friend the Member for Central Hull (Mr. H. S. King); but it is, probably, for the convenience of the Committee that I should move it myself, and take this opportunity of stating to the House the views of the Government on the subject. Sir, the reasons which induced the Government originally to introduce this sub-section are not light ones. I do not propose to enumerate them at length now. They are stated briefly in the preamble of this clause. They may be summarized by saying that if we left the measure which we proposed to Parliament, without some conditions of this sort, too great a strain would be put on the jury system of Ireland. I shall not stop now to defend that proposition, because, as I will explain to the Committee in a few moments, there will be another opportunity on which I shall be able to lay the views of the Government at greater length before the Committee, and in a manner which, I am sure, will convince all impartial persons that a strong case exists for introducing some machinery of this or an analogous kind. But, Sir, whilst we adhere to these reasons, whilst we still think those reasons are sound, and whilst we are still of opinion that any measure for improving the legal machinery of Ireland would be incomplete without something of the kind, we cannot blind ourselves to the fact that a large body of opinion—entertained by Gentlemen who agree entirely with the policy of Her Majesty's Government—entertained not only by Gentlemen on this side of the House, but also by some on the other side of the House—exists to a degree which it is impossible for us to ignore. I observe, for instance, that there are Amendments on the Paper in the name of the hon. Member for South Islington (Sir Albert Rollit), the hon. Member for South Northamptonshire (Sir Rainald Knightley), the hon. Member for the Blackpool Division of North Lancashire (Sir Matthew White Ridley), and the hon. Member for South Salford (Mr. Howorth), similar to that which I am now moving; whilst other Amendments from the other side of the House, and to a similar import, are on the Paper. Of course, we always were aware that objections—very strong objections—might reasonably be urged against the propositions we put before the House. We were aware, for instance, that some very high authorities thought that a very grave objection to the change of venue to England might be found in the fact that the Criminal Law of Ireland is embodied in a different series of Statutes to that of England. But besides that objection—which some might call technical—there is a large body of objections — which I will not call sentimental, because that implies blame, but which, at all events, are founded chiefly upon sentiment—with respect to which I quite admit that objections so founded may, under certain circumstances, deserve and command very great respect. We thought that, great as was the weight to be attached to these objections, an expedient that did preserve the reality of the jury system, and which, even in the opinion of hon. Gentlemen below the Gangway opposite, preserved that system better than the other parts of our Bill—for they have, over and over again, declared that they would rather be tried by an Old Bailey jury than by a special jury empannelled from County Dublin—was worthy the consideration of the House. But, Sir, so long as the end we desire to attain is reached we do not desire—[An hon. MEMBER from the Opposition Benches below the Gangway: The end justifies the means.]—we do not desire to show ourselves obstinate as to the means by which it is to be reached. Therefore, Sir, the Government are of opinion that, on the whole, it would be a wise and a prudent course for them to abandon the change of venue to England, and to substitute for it a Commission of Judges, which has, at all events, the advantage of having to some extent and in a certain manner in its favour the precedent set by the right hon. Gentleman the Member for Derby (Sir William Harcourt) in 1882. I do not propose to argue that question now. What I have to propose to the House is the method by which the Government intend to carry out that which is their intention on this point. There are three possible courses open to us. We might, of course, introduce Amendments embodying our proposals to this part of the Bill as an Amendment to this clause; but the objection to that would be, if on no other ground, that a proposal of this sort ought not to be sprung upon the Committee at such a short notice. There are other objections, so, without a word of argument, I may dismiss that part of the question. The second course would be to put at the end of the Bill the clauses which would be found necessary to carry our proposal into effect. In 1882 the clauses by which the Special Commission of Judges were created took up, I think, about five or six pages of that Bill; and if we were to embody them in this measure we should increase its bulk by about one-half. Coming, therefore, at the end of this Bill, their introduction would, undoubtedly, greatly prolong our debates; and as this proposal was not mentioned to the House on the second reading—though the grounds for it were—and as this is the first time the Government have announced their intention of carrying this plan into effect, and as, moreover, we hope the remaining clauses of the Bill will not take any very long time to dispose of, we are of opinion, for all these reasons, that great and weighty objections may be urged against our introducing at the end of the Bill the necessary machinery to carry out our scheme. We therefore propose, Sir, simply to drop the 2nd sub-section and all the consequential portions of the Bill which may follow; to carry the Bill without this portion, and, without any further delay, to introduce a second Bill embodying this proposal for a Commission to which I have referred.

Amendment proposed, in page 3, line 38, to leave out sub-section (2).—(*Mr. A. J. Balfour.*)

Question proposed,

"That the words—'(2.) When the crime committed as aforesaid within a proclaimed district with which the defendant is charged is—
(a.) Murder or manslaughter;
(b.) Attempt to murder;
(c.) Aggravated crime of violence against the person;
(d.) Arson by statute or common law;
(e.) Breaking into, firing at or,' stand part of the Clause."

Sir WILLIAM HARCOURT (Derby): I cannot congratulate the Government upon the method they have devised for saving the time of Parliament. Here is a proposal introduced by the Government—introduced by the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) with great pomp as a scheme which was absolutely necessary for the pacification of Ireland, a scheme such, as he told us just now, necessitated the unusual course of a special preamble to this particular clause—it was in order to cover this particular proposition he said this preamble was introduced, this preamble that occupied the attention of the Committee for the greater part of yesterday—and now, for the first time after the Bill has been before the House for many weeks, they have discovered that this proposal is so preposterous, so ridiculous, that they cannot face the condemnation of it which stands recorded on this Paper from every quarter of the House, including their own supporters who sit there and their own supporters who sit here. Why, everybody knew how preposterous it was from the very moment the Bill was first seen. I remember very well that on the second reading of the Bill I declined altogether to discuss it as a serious proposal. I said it was so ridiculous, so monstrous, on the face of it, that the Government would not dare to carry it, and even if they carried it they would not dare to act upon it, and that was apparent to every man of common sense in the country who does not happen to sit on that Bench. And here, on the 9th of June, the announcement is made that it would be wise and prudent, in face of this universal condemnation of their proposal, to drop it. They arrive at this after mature deliberation on a scheme they have claimed as entirely their own. But it is a proposal for which they cannot claim the originality. There is a precedent for it in one of the most disgraceful periods of our history; it is stolen from the policy of the Government of Lord North—which lost us the American Colonies. It was a disgraceful, discreditable proposal, which you will find condemned by the great oratory of Burke in that immortal speech on the conciliation of America—a proposal to bring Colonials from America to try them in London. Having the whole scope of English history to choose from, this is the example Her Majesty's Government deliberately introduced into their Bill. But I need not dwell on this capital article of their Bill. In consequence of the universal disapprobation it has met with, what are they going to do? To substitute another proposal, and a proposal in the Act of 1882, which they now find was a more sensible proposal than their own.

Mr. A. J. BALFOUR: I did not say so.

Sir WILLIAM HARCOURT: Then I have failed to understand the right hon. Gentleman. He referred specially to the Act of 1882. It would seem that the right hon. Gentleman has so little acquainted himself with his own policy that he has hardly explained his new plan to the Committee to his own satisfaction. If it is not to be a Commission of Judges, as in the Act of 1882, what is it to be? He certainly has failed to explain it to the Committee. Well, however it be, what is the proposal that is to save the time of Parliament? You have had your first reading debate, your second reading debate, and your debate on the stage of going into Committee on this Bill, and what you propose to do now is not to introduce an alternative proposal into this measure, but to have a new first reading, and a second reading, and a going into Committee debate, upon a supplementary Coercion Bill. Such a proposal is wantonly, deliberately made to waste the time of Parliament. You "live and move and have your being" so entirely on coercion that it seems you think that if you part with this measure you would be unfortunately compelled to introduce some other measures of another kind, and this would be so alien to your character, so inconsistent with your political position, that you must always keep a Coercion Bill before the House, for this is the fundamental basis—the universal cement—which keeps together all sections of the Unionist Party. Therefore, when, on the 17th June or some other day, you have got rid of Coercion Bill No. 1, you will have ready a fresh Coercion Bill No. 2, which will last a month or two longer. Then you will find out that some proposal in Coercion Bill No. 2 is so ridiculous that you cannot maintain it, and then you will have Coercion Bill No. 3. And so this Government of Coercion will have its properly arranged set of courses—a first course, a second course, and a third course. This is the pabulum on which alone you live and act, on which alone you can go on. Is there a man in the country who does not see through this scheme? You know that the moment the Coercion discussion ceases you will get into inextricable difficulties. You have told us of your remedial measures. Well, in "another place," where you have it all your own way, where you have no obstruction but what comes from your own Party, you cannot get along with your remedial measures there. If that be so, if your remedial measures involve you in such enormous difficulties, it is a case of keeping coercion going as long as you can. Under these circumstances, it seems the proposal you have announced to-night to terminate Coercion Bill No. 1 is quite immaterial, for when you terminate that, then at once you begin Coercion Bill No. 2. I treat the proposal as a distinct sham to provide a cry that you have done this to get on with Business, when you are obliged, after all, to have recourse to such a clumsy device as this to prevent any Business at all being done.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I am sure the right hon. Gentleman is to be congratulated——

MR. T. M. HEALY (Longford, N.) rose in his place, and said: I rise to Order, Mr. Courtney, and I claim to move, "That the Question be now put."

Question put accordingly, "That the Question be now put," and *agreed to.*

Question,

"That the words (2.) When the crime committed as aforesaid within a proclaimed district with which the defendant is charged is—

(a.) Murder or manslaughter;

(b.) Attempt to murder;

(c.) Aggravated crime of violence against the person;

(d.) Arson by statute or common law;

(e.) Breaking into, firing at or,' stand part of the Clause,"

—put, and *negatived.*

Words *omitted.*

THE CHAIRMAN: There now remains one more Amendment to the clause (81 A) capable of being put.

MR. J. E. ELLIS (Nottingham, Rushcliffe): The first part of my Amendment being out of Order, I move only the second part. As it is precisely the same Proviso as was agreed to by the Government earlier in the discussions on the Bill I think I need not detain the Committee, and presume that it will be accepted.

Amendment proposed,

To add, at the end of the Clause, the words—"There shall be published quarterly in the Dublin Gazette a return showing:

> The number of orders made during the preceding quarter for change of the place of trial, the date of each such order, the places from and to which the change has been made by such order, with the names of the defendant or defendants, and the crime charged against him or them."—(*Mr. John Ellis.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): The Government cannot accept this Amendment. The reasons given for publishing a Return of the names of persons who might be committed under the preliminary inquiry do not apply to the proceed,ngs under Clause 4. These proceedings are of a public official character; there will be an indictment and the *fiat* of the Attorney General; and if there be any appeal to the Court it will be publicly made. But, first of all, a trial must take place publicly; and it will be perfectly well known in the usual way where and when the offence was committed, the evidence will be published in newspapers, and there will be no necessity for this Return to insure publicity, which possibly is necessary in regard to the

1st clause of the Bill, and to which, in that case, the Government assented.

MR. J. E. ELLIS: With great respect for the authority of the Attorney General I think there is a necessity, and the object in either case is the same. It is desirable that, from time to time, attention should be drawn to the operation of the Act; and I cannot for a moment see any good reason why the Government should wish to withhold from the House of Commons this information in this convenient form. I must press my Amendment.

MR. MAURICE HEALY (Cork): I cannot agree that the reasons given by the hon. and learned Attorney General are sufficient for the rejection of this proposal. He says he will not give this Return, because it would be a record of things done publicly; but there are hundreds of things done publicly in the full light of day that yet are recorded in Returns granted every day by this House. We have Returns of evictions, for instance. These are not exactly judicial acts, but they follow on judicial acts. I need not attempt to go over a list of such things; but it will occur to any hon. Member that many things, after having been matters of public knowledge, are given in the form of tabulated Returns. Let me point out this—that when we come here and ask for a Return of things and transactions that are not matters of public knowledge the Government say they have no means of giving the Return; but when we ask for a Return of things done publicly we meet with a refusal, because all these things may be found reported in the newspapers.

DR. COMMINS (Roscommon, S.): I do not see on what ground the Government can reasonably refuse this Return; they have their officers ready to compile the information we ask for. We have no such ready means, and I do not see why they should refuse this, unless they fear the Return will disclose an arbitrary exercise of the power vested in the Government. The only way of judging whether this power has been exercised in an arbitrary and unjust manner is by having the number of these alterations of venue brought together and made public. It has been very well said that a large number of individuals being assembled and drilled make an army, while undrilled they would be only a mob. When we have these separate instances of change of venue noted, when we have these facts marshalled side by side, then we shall judge whether these changes of trial have been simply for the purpose of obtaining convictions—whether the change has been made in the interests of justice, or to further the interests and gain the objects of the authorities in Dublin Castle. No doubt, we can find out what we desire to know from other sources; but when the information in a connected form is refused by the Government, we can only suppose that it is the intention to make these changes in their own interest, in the interest of arbitrary power, not of justice, and that they wish to conceal their movements and the springs of their action, as such would be displayed if we had a connected view of their administration of this Bill. They refuse us this information, and add one more to the numberless proofs that they ask for arbitrary power with an intention of using it in a tyrannical, unconstitutional manner.

MR. T. M. HEALY (Longford, N.): The Government are following the course we might have expected from experience they would follow. They have been lashed with refusing all concessions on the ground that to do so would be to justify opposition. Surely it has always been held only reasonable to give such information as we ask for. I do not believe that even in the most despotic times it would have been refused in France. Why should not the Government let the people know how many persons have been affected by this change of venue? It is most unfair for Her Majesty's Government to refuse a proposal merely for information that does not affect the principle of the Bill, which only will show in how many instances this power has been put in force. This Amendment, remember, has not been moved by an Irishman; we have not asked for it, for we know enough about you and your doings—we read the Irish papers. But we know there are many hon. Members who, like the right hon. and learned Member for Bury (Sir Henry James), never read Irish papers; possibly many read nothing at all. Well, this is a demand for information; and surely, if you are going to act honestly and, in accordance with the statements of the hon. and learned Attorney General, will not make these changes of venue in an unfair and unjust manner, you should not be ashamed to let us know how many changes of venue you order. What is the secret of this refusal? Is it that the Return will enable us to detect how many two guinea fees uselessly expended you have had from the taxpayers' pockets? If we knew that there had been 100 changes of venue, we should know that 200 guineas have uselessly gone in motions for cause. Two guineas! Why, I suppose no Crown lawyer would deign to move for that sum; it is only poor wretches outside the ring who receive such. I never held a Crown brief, and I never shall; it is only "duffers" get Crown briefs, men who cannot earn two guineas by doing anything else. Is it because the Return would enable us to test exactly the high-water mark of Liberal Unionist and Tory Bar practice that you refuse it? This is the real secret; it is on this ground that the Amendment is resisted. It is the two guineas that stick in the throat of hon. Gentlemen. We are told we can read the information in the newspapers. Yes; we can read it in units, but not as a whole. We could not see at once of how much the taxpayer is robbed by gentlemen who inveigh against inflated Estimates, and get up a Committee to cut down the expenditure upon the Army and Navy, those Services of which England in the past has been proud, but to which, in a penny-wise and pound-foolish principle, you now grudge money and supply with tin bayonets.

Question put.

The Committee *divided*:—Ayes 127; Noes 227: Majority 100.—(Div. List, No. 210.) [1.15 A.M.]

Question propôsed, "That the Clause, as amended, stand part of the Bill."

MR. DILLON (Mayo, E.): Mr. Courtney, it would be absurd to expect that this clause should be allowed to be added to the Bill without some debate. We have passed Clause 3, and when Clause 4 is added to the Bill we shall have machinery authorized of such a character that it will be utterly impossible for any man in Ireland to get a fair trial. Now, Sir, we have spent two days, or the greater part of two Sittings, debating this clause, and, as far as I can remember, not one single verbal alteration has been granted to us. [*Cheers.*] Well, these cheers are a very good specimen of the spirit of the Party opposite. That is evidently what they consider to be the proper way to debate measures in this House. If that be the case, why do you have any debate at all, and what is the necessity for having any House at all? You might just as well get the Government draftsman to draft the Bill and provide that whatever the Government inserts in that Bill shall be law, without any discussion at all—for that is what it comes to. This measure is stated by the Government, in the precious preamble over which they wasted three or four hours of the time of the House yesterday, to be necessary in order to get a fair and impartial trial, and these two clauses are of such a character—and I will do the draftsman the justice to say that he has fully succeeded in carrying out the intentions of his paymasters—that when they are carried into law it will be utterly impossible for any man in Ireland who differs from the Government in politics to get a fair trial. There is not a single Member sitting on the Benches opposite who does not know this to be the absolute truth. In the speech just delivered by the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) the right hon. Gentleman used the following remarkable words. He said that as long as the Government attained their object they were not disposed to be bigoted as regarded means. The right hon. Gentleman accurately described the condition of mind of the Government. As long as they obtain convictions of their political opponents in Ireland, whether the persons convicted be guilty or innocent of the charge brought against them, they do not care whether the convictions are obtained by means of a jury of packed men in Dublin, or a Commission of three Irish Judges, or an Old Bailey jury. It is all the same to the Government. They are not disposed to be bigoted as to the means by which they attain their object. But the right hon. Gentleman the Chief Secretary alluded to the large amount of sentiment brought into play in this matter, and to the objections which, he said, existed among a large body of politicians to the machinery of this Bill, Allow me to say that, monstrous and abominable as that machinery unquestionably is, and revolting as it has proved to the sense of Englishmen, the reason why it is revolting is a very simple one. That reason is, that it brings home to Englishmen—that it brings under their own ken—what you are doing in Ireland. And the Government have failed in the attempt, and do not dare to do in view of independent English opinion what has been done for 80 years in Ireland. And why? Because what they do in England is recorded in all your newspapers, and what they do in Ireland is done in the dark. Why, Sir, if the things proposed to be done under this Bill were to be done in England, even if only against Irishmen, or if they were to be done in any part of Great Britain, under the eye of the English Press and of English public opinion, this Bill could not live for a fortnight. The fate of the 2nd sub-section of this clause ought to be a lesson to any intelligent man who wishes to be fair-minded and to treat the Irish people in such a way that he may venture to hope for any union between Ireland and this country or for any cessation of hatred. There never was a better sample of the hypocrisy common among some classes than the outcry which has been raised about this machinery of the Bill. You talk of the injustice of bringing a prisoner to England. I have already stated that a prisoner would get a fairer trial before an English jury than under the machinery which you have provided. I repeat that statement; and I say emphatically that rather than be tried before such tribunals as you are, unhappily, going to set up in Ireland I would prefer to take my chance before any jury selected in the ordinary way in Great Britain. But do I approve of the machinery of the 2nd sub-section, which is about to be struck out? Nothing of the sort. It is an infamous machinery——

THE CHAIRMAN: I must point out to the hon. Member that the 2nd sub-section has been struck out of the Bill. It is, therefore, irregular to continue the debate upon it.

MR. DILLON: I will submit to your ruling at once, Sir, if I am out of Order. I did not intend to discuss the 2nd sub-section. I was simply pointing out that it was worse than too bad to be submitted to the public of England.

THE CHAIRMAN: The hon. Member, inadvertently no doubt, spoke of the 2nd sub-section as about to be struck out.

MR. T. M. HEALY (Longford, N.): I submit for your consideration, Sir, that the Question before the Committee is that the clause, as amended, stand part of the Bill, and that one part of the amendment of the clause consists of the striking out of the sub-section.

MR. DILLON: I shall not, Sir, say anything inconsistent with your ruling. I will simply refer to the 2nd sub-section as an illustration, and will drop all reference to it in detail. My point was this—that the proposal to try Irish cases in England was dropped out of this clause on the ground that it was too monstrous to be tolerated by public opinion in England, even amongst the Conservative and the Liberal Unionist Parties. I consider that Clauses 3 and 4 constitute a tribunal in Ireland which will leave the prisoner a great deal less chance than he would have had under the sub-section which, in deference to public opinion, has just been struck out. Whilst I in no way approve of the principle of that sub-section, I state distinctly that, in my opinion, it is another glaring instance of the hypocrisy which is frequently manifested in English public opinion, when dealing with affairs outside this country, that they will not tolerate a thing which is publicly brought forward, although they will tolerate things ten times more infamous when the cloak of silence is drawn over them. We know that the most infamous things are allowed to be done in the dark, and that not a voice is raised to condemn them, until, perhaps, some Press-man stirs up the cesspool. The Committee strikes out of a measure like this the proposal that Irish cases shall be tried in England, on the ground that it is too strong for the English stomach, and yet it leaves in the Bill provisions which are infinitely more unjust and cruel to the prisoner in Ireland—provisions which leave the prisoner no chance, and which forms the most monstrous and infamous parody of justice ever attempted to be set up in any country. Talk of justice as administered by despots in Eastern countries! I believe that there would be more chance of justice before an Eastern potentate than there is under these clauses. The system in the past has been to bring prisoners before jurors, every single individual of whom has been carefully selected, because his position has been carefully ascertained beforehand by detectives, and because he is a sworn enemy of ours. No Member of the Irish Government could attempt to deny that they have done such things in the past, and they think that they will deceive the public of England into believing that they are doing something humane—that they are acting upon principles of justice and humanity—when they leave out the 2nd sub-section, and content themselves with other machinery, the effect of which will be to place Irish Nationalists on their trial before men every one of whom has condemned them before entering the jury-box. That is the system which they propose to set up in Ireland for ever. Now, I want, in all seriousness, to put this question to every hon. Member of this House. Does any Englishman of this House expect that this law will command the sympathy of the Irish people? All I can say is, that if any Englishman expects it he must be either intensely stupid or completely ignorant of the history of our people. Every English statesman who has addressed his mind and intellect to the consideration of the Irish Question in years gone by has declared his conviction that the essence of the difficulty in Ireland is the fact that the law is distrusted, disliked, and looked upon as hostile by the masses of the population. Statesman after statesman, from the days of Fox and Burke, and the days of the Old Whigs, to the days of Peel and Russell, and down to the day of the right hon. Gentleman the Member for Mid Lothian, has declared his conviction that, until you conciliate the masses of the people and give them confidence in the administration of the law, you cannot hope for peace in Ireland. And now, in 1887, the best way English Ministers can devise for conciliating the people and imparting to them confidence in the administration of the law—the best way they can devise, after 87 years' experience, is to adopt a machinery which they tell us is to be perpetual, and which provides that the man who belongs to the poor, and the man who holds the same political convictions as, at the lowest estimate, four-fifths of the people of Ireland, can never stand his trial for a political offence, but he must see in the jury-box 12 men alien to him in political convictions and in religion—[*Cries of* "No!"] Well, I hear a faint cry of "No!" I will make a present to Gentlemen opposite of that expression. I care not whether they are alien in religion or not, because some of the best friends of Ireland are Protestants. I will merely say alien to him in class and political conviction, and influenced by the most potent of all human convictions—namely, the conviction of a class that its pockets will be affected. You tell the Irish people that they are for ever to live under such a system as will condemn them to an unending succession of the turmoil, disorder, and conflict with the law which has marked the past history of your administration of that country. I would ask the Unionists in this House, whether they be Liberal or Conservative, if they hope that such a system as that is going to maintain the Union, and, if they do, whether they are not beginning to believe that the object on which they are setting their hearts is not worth the cost?

Dr. COMMINS (Roscommon, S.): When I put down the Amendment which stands on the Paper in my name, to omit this clause, I believed that if there was one saving portion of the section it was the provision which has now been struck out. I have had some experience of English law as administered in England, and I know something of the English law as administered in Ireland. I know that the law as administered in England is generally fair; that prejudice seldom influences verdicts; that the packing of juries does not exist; that Judges and Recorders are fair; and that those who administer the Criminal Law think more of doing justice to the prisoner than they think of the interests of political parties. I have more confidence in English juries than in any jury selected and packed in the way adopted in Ireland by Attorney General after Attorney General. Therefore, I did not object to the 2nd sub-section, which I believed was the saving portion of the clause—the one Jonah that saved the ship from going down. But Jonah has been thrown overboard to the whale. Although no Irishman objected to the sub-section—although Irishmen had that confidence in England that they believed their countrymen would get better justice before an English jury than under the other machinery provided by the Bill, the provision was so essentially unfair, so atrocious, so contrary to the old and well-established principles of English jurisprudence, so contrary to the spirit of the jury system, that from all sides of the House and from all shades of opinion in the country the strongest condemnation was showered upon it. And yet that provision was less atrocious than anything else in the Bill. There was no Amendment put upon the Paper showing that there was any intention amongst us to oppose it, but at the last moment it is thrown overboard, and the rest of the clause is left in its unmitigated hideousness. What does the section, in its present form, propose? It begins with several lines which, Sir, are so unusual that I defy any of those learned or unlearned Members who sit opposite to point to any English Act of Parliament in which it was ever found expedient that a preamble should be put into a clause, especially a preamble which, like this, involves insult and contumely to a whole people. If the clause is justifiable, it does not need such a preamble——

The CHAIRMAN: Order, order! The Question of the preamble was debated yesterday for two and a-half hours. The hon. Member must now confine himself to the clause as a whole.

Dr. COMMINS: Well, Mr. Courtney, the preamble has been passed, and, as I oppose the whole clause as it stands, I thought it was open to me to express my objection to the preamble. However, Sir, I am content to accept your ruling in the matter. Then comes the most material part of what is left of this clause, and that is the arbitrary power which it confers, without supervision or check, on the Irish Attorney General, whoever he may be, not only to select the place of trial, but virtually and practically to select the jury, and to abolish every pretence of fair trial in Ireland. We know how strongly opinion runs in Ireland. We know that the Attorney General is always able to bring that opinion into the jury-box to destroy all chance of any person charged with a political offence having a fair trial. That being so, it appears to me that the clause, as at present framed, places the liberty of every man who happens to be resident in Ireland at the mercy of the Attorney General for the time being, with no legal check on the exercise of his discretion. I oppose this clause because I feel that the very best portion of it has been thrown over, and because, as it now stands, it is an absolute abnegation of fair trial in Ireland.

Mr. T. M. HEALY (Longford, N.): I may be permitted to say one word. We are charged with obstruction, but we have only given the Government time to consider this clause, for they do not seem to have been able to make up their minds upon it sooner. Do you condemn murder and assassination by a Ribbon Society? You do. That is intelligible; but this is a proposal to assassinate by legal methods. The Ribbon Society gives a man a trial in secret, but without the forms of law; of course its murderous executions are of a very hideous and horrible character, and must produce a painful and shocking sensation. But the people have a motive in carrying them out; they think they are justifiable, but they do not believe you have a right to carry out your law in their country, because that law has no moral ground; it has no foundation except that of your bayonets. You propose now to pick out from amongst the population of Ireland a body of men in every county, numbering, perhaps, not more than 1,000 in the aggregate, men who belong to a secret organization, and you want to place on their trial, before these men, the Irish Nationalists. You condemn the Ribbon men for arraigning the landlords before their organization, and upon their verdict after what they call a fair trial, carrying out the sentences of execution; you condemn them for carrying out their miserable sentences in their miserable Ribbon Lodges; but, Sir, you would drag the Irish Nationalists for trial before a jury of members of the Orange Order—of men who will not, perhaps, sit in the jury box wearing the regalia of their order, but who may have come down shouting—"To hell with the Pope!" or who may be boasting—"I shot so and so in the Shanklin Road." It is true the Government have dropped the sub-clause. I was careful to say nothing about that clause at any time; but I must now say it is strange that at a period when the country has enlarged the basis of its franchise, and when

500,000 individuals have just been admitted within the Constitution in Ireland, you say that only 5,000 men are to be allowed to sit in the jury-box in Ireland. This is a step back into the dark ages. If you decide on this you will poison public life in Ireland; you will continue to poison the relations and feelings between the two countries, and it can only lead to having the Irish Members expelled from this House. If this policy is maintained in its entirety, you, who are in favour of Union, as you say, will have to see the failure of another of your Crimes Bills, in the same way as you have seen 20 or 30 previous Crimes Bills fail; and if the Germans conquered England to-morrow—which God forbid!—and if they selected 20 or 30 men who supported their administration to be the sole administrators of the law, would you consider justice could be administered in that way? No; you would not. Then why try the same policy in Ireland? And when you have failed in this policy—as fail you must—you will come down with another proposition, and you will say—"It is the agitators." Yes; it will be the same old story. You will complain that it is the agitators who are attacking the privileges of the landlord class, and you will wind up by expelling from this House those who raised their voices—as our future Representatives will—against the continuance of this bad system. Then you will be left alone. I recommend the Government, when their first Coercion Bill has failed, and when their second one has been brought in, to make the latter much shorter, and merely provide that the Attorney General for Ireland may, of his own will, order any Irish Member or Irish peasant to execution.

Question put.

The Committee *divided*: Ayes 219; Noes 115: Majority 104.—(Div List, No. 211.) [2.10 A.M.]

Sir WILLIAM HARCOURT (Derby): Will the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) state what will be the character of the Motion of which he has given Notice for debate to-morrow?

Mr. W. H. SMITH: I propose to move, Sir—

"That, at Ten o'clock p.m. on Friday the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair. He shall next proceed and successively put forthwith the Questions, That any Clause then under consideration, and each remaining Clause in the Bill, stand part of the Bill, unless Progress be moved as hereinafter provided. After the Clauses are disposed of he shall forthwith report the Bill, as amended, to the House.

"From and after the passing of this Order, no Motion, That the Chairman do leave the Chair, or do report Progress, shall be allowed unless moved by one of the Members in charge of the Bill, and the Question on such Motion shall be put forthwith.

"If Progress be reported on the 17th June, the Chairman shall put this Order in force in any subsequent sitting of the Committee."

Sir WILLIAM HARCOURT: As far as I caught it, this seems to me to be copied in some respects from a former Notice in reference to Urgency. But the right hon. Gentleman will remember that in those Rules with reference to Urgency there was a certain majority required.

The CHAIRMAN: Order, order! It is very irregular to discuss a Motion of which Notice is merely given by permission of the House. It is permissible to ask a Question in regard to it.

Sir WILLIAM HARCOURT: That is what I am going to do. [*Interruption.*] I, of course, fully submit to the ruling of the Chair; but I will not submit, nor will I pay any attention, to these interruptions from hon. Members opposite. In order to explain the Question I propose to put to the right hon. Gentleman, I referred to a former Resolution on Urgency and to the majority required by it. I only rose to ask, in reference to this Notice, whether it is proposed that there shall be any particular majority, or whether it is to be a bare one?

Mr. W. H. SMITH: We shall not propose any particular majority.

Mr. T. M. HEALY: The right hon. Gentleman promised us we should have copies of this Resolution, but we have not had an opportunity of seeing it. I tried to take it down, but that was wholly impossible, for it is as long as "God Save the Queen." I would respectfully ask him is it carrying out the pledge that we should have it at an early hour to give it to us now? I acquit him entirely of bad faith, because at the time the right hon. Gentleman thought it possible the Coal Mines Regulation Bill might be reached by 10 o'clock.

But we were promised an adequate opportunity of seeing and handling this Resolution, so as to enable us to put on the Paper any Amendments we might think necessary. I submit that the promise has not been kept. Does the right hon. Gentleman expect us now to sit down and prepare the Amendments, to laboriously copy them out, and to keep the Clerks at the Table after the rising of the House? Does he think it reasonable to treat us in this manner? The discussion should be postponed or the period extended.

MR. W. H. SMITH: I am very sorry that the proceedings of the Committee have been protracted far beyond the hour at which I thought we might close. But I do not see how I can possibly postpone the consideration of this Amendment, or extend the Committee stage beyond June 17.

MR. T. M. HEALY: Put it on to Jubilee Day.

MR. W. H. SMITH: The hon. and learned Member will have an opportunity of moving any Amendment he chooses.

Committee report Progress.

Motion made, and Question proposed, "That this House will, To-morrow, again resolve itself into the said Committee."—(*Mr. A. J. Balfour.*)

MR. T. M. HEALY: I wish to ask for what day do the Government put down this Bill? If for to-morrow, I must resist it; because the Government have given Notice of a Motion that must give rise to a long discussion, and it would be unreasonable to expect us to resume the discussion of this Bill after that at a late hour—perhaps 2 or 3 in the morning. At least, let us set it down for a day when there is some probability of its being taken. I move that it be set down for Monday.

Amendment proposed, to leave out "To-morrow," and insert "on Monday next."—(*Mr. T. M. Healy.*)

Question proposed, "That 'To-morrow' stand part of the Question."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I hope the hon. and learned Member will not press this Amendment. How long the debate on other Business may take this day I cannot say, but we will undertake that Committee shall not be resumed at a late hour.

MR. DILLON: Then why not put the Bill down for Monday at once, or else let the Motion for Urgency be put down for Monday, a far more sensible plan? I presume the Government do not expect that the Motion for Urgency will be disposed of without, at least, a night's debate.

MR. MAURICE HEALY: What will the right hon. Gentleman consider a late hour? Will he say that it will not be taken after 10 o'clock, then we shall understand? Let him give us an undertaking that it shall not be taken after a certain hour.

MR. A. J. BALFOUR: Not after half-past 11.

MR. T. M. HEALY: Then I withdraw my Motion for Monday.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Committee *To-morrow.*

MUNICIPAL CORPORATIONS ACTS (IRELAND) AMENDMENT (No. 2) BILL.

(*Sir James Corry, Mr. Ewart, Mr. Johnston.*)

[BILL 176.] CONSIDERATION.

Bill, as amended, *considered.*

New Clause—

(Execution of Main Drainage Scheme.)

"Until the New Council shall have been elected in manner described in the preceding section, no action shall be taken nor liability incurred in respect of any scheme which may be passed into Law during the present Session of Parliament for the Main Drainage of the Borough of Belfast,"—(*Mr. Sexton,*)

—*brought up,* and read the first time.

MR. SEXTON (Belfast, W.): In moving the insertion of this clause in the Bill very little argument is required from me to commend it to the House. It is, in fact, for the purpose of completing an arrangement made by the House in Committee. The House has determined to increase the municipal franchise of Belfast from 5,000 to 20,000, in order to secure that such schemes as that for the main drainage of Belfast should not be proceeded with against the opinion and without control of the great body of householders. The House has further declared that next November all the seats on the Town Council shall become vacant, and shall be refilled at an election to be held then; therefore, it is apparent that the present Town Council will have no control over the works for the main drainage scheme after November. But what security have we as to the action of the present Town Council between the passing of the Main Drainage Bill and the elections in November? There is great danger that the present Council, conscious that the term of their power is approaching an end, may make contracts and otherwise proceed with the scheme, plunging the borough into a liability that may continue for 30 or 40 years. My Amendment will prevent that. Resolutions passed at public meetings in Belfast have been forwarded to me, and they express what is the general opinion in the town, that there is no confidence in the Town Council elected on the restricted franchise. I ask the House to complete the action it has taken, and to make the control it has vested in the ratepayers a real and effective control in regard to the main drainage scheme. If the House does not adopt this clause, that control will be illusory, and I cannot regard the Bill without this clause as satisfying the claim I have made, and giving the ratepayers that security they have a right to expect after the action of the House.

Motion made, and Question proposed, "That the Clause be read a second time."—(*Mr. Sexton.*)

MR. EWART (Belfast, N.): I rise to oppose the Motion of the hon. Member for West Belfast. The main drainage scheme is one upon which no time should be lost, for the drainage of Belfast is in a deplorable condition. The effect of the Amendment of the hon. Member would be to delay all operations for a year. The Corporation of Belfast are prevented from discharging any sewage matter into the Lough until an outlet sewer and settling tank are completed. These operations are to be carried on in the waters of the Lough, on ground which is bare at low water and covered at high water, and they can only be carried on during the summer and autumn months. The contracts for these works are not heavy, not more than £60,000 or £70,000, and they are the only contracts that it would be necessary to enter into for a long period. If the Amendment of the hon. Member is carried it will delay operations until next year, a delay of at least 12 months. Already the town has suffered a year's delay in these works through the action of the hon. Member, and I hope the House will mark its disapproval of the action of the hon. Member. Instead of the clause of the hon. Member, I have given Notice of an Amendment which I will move on the consideration of the Lords' Amendments to the Main Drainage Bill, to the effect that no action shall be taken, or liability incurred, in respect to these works authorized by the Act, unless and until approval has been expressed by a meeting of the ratepayers.

MR. CHANCE (Kilkenny, S.): That will not be in Order.

MR. EWART: The portion of the works I have referred to as being necessary to proceed with before the winter will bear but a very small proportion to the whole. Seeing that the health of the town has suffered so much from the want of a scheme of main drainage, I hope the House will not support the further delay this clause would occasion. We have had a good deal of discussion about Belfast for months past, and reference has often been made to the lamentable loss of life in what may be called a small civil war. Strangely enough, this commenced about the time the hon. Member made his appearance there as an advocate of Home Rule. But the loss of life in those disputes is as nothing as compared to the loss of life the hon. Member wishes to make provision for——

MR. T. M. HEALY (Longford, N.): I rise to Order, Sir. Is it in Order to say the loss of life the hon. Member wishes to make provision for?

MR. SPEAKER: I am sure the hon. Member does not wish to imply that the hon. Member for West Belfast desires to provide for the loss of life?

MR. SEXTON: Oh, I do not mind.

MR. EWART: I withdraw the observation. But in a sanitary sense the loss of life through a want of a proper system of main drainage works is not less than 200 persons, and I do hope the House will not incur the blood-guiltiness of bringing about such a state of affairs.

MR. T. P. O'CONNOR (Liverpool, Scotland): I confidently appeal to the House—to all sections of the House—to vote for the proposal of my hon. Friend.

I make the appeal in confidence, not merely because of the merits of the question being on the side of my hon. Friend, but because in all previous stages of the Bill my hon. Friend has been able successfully to oppose the narrow policy of the hon. Gentleman opposite by the assistance of votes from both sides of the House. I trust the impartial manner in which this Bill has been discussed and dealt with in previous stages will continue to the end, and that when it leaves this House the credit of passing it may be shared among all sections of the House. I may recall it to the attention of the House that not a single proposal has been made by my hon. Friend that has not been opposed by the hon. Member for North Belfast and the hon. Member for Mid Armagh (Sir James Corry), and I cite this as a precedent to show that the burden of proof lies with hon. Gentlemen opposite, who have been defeated when opposing Motions of my hon. Friend. The House will remember that the whole action of the House in reference to this Bill has been abnormal. In the Main Drainage Bill my hon. Friend the Member for West Belfast (Mr. Sexton) was enabled to induce the House to deal with the municipal franchise of Belfast. It was objected by the Chairman of Ways and Means, who is responsible for Private Bill legislation, that this was an entirely anomalous, unprecedented, irregular, and inconvenient course; and I must say, speaking generally, that his argument was well worth consideration. But all sections of the House were so convinced of the absolute necessity of enlarging the municipal franchise of Belfast in view of the main drainage scheme, that the conviction overcame these objections and caused the acceptance of my hon. Friend's proposal and the introduction into the Main Drainage Bill of a comparatively extraneous matter, the extension of the municipal franchise. The House took this unusual, if not entirely unprecedented course, on the ground that while the main drainage scheme was large and important as affecting the whole body of ratepayers, on the other hand the franchise was so narrow, that it was right the latter should be extended, that the people of Belfast should have a voice in the control of the large expenditure. Now, is not the hon. Gentleman the Member for North Belfast (Mr. Ewart) asking the House to stultify itself on the whole ground upon which it took an exceptional course, by removing from the ratepayers, to whom you have now extended the franchise, all control over the drainage scheme until November? The hon. Gentleman says the delay in the Bill will cause great loss of life. I should be inclined to pay more attention to that argument were it not for the fact that this scheme and this extraordinary anxiety for the preservation of life in Belfast occurs with suspicious sequence to the choice of my hon. Friend to be Representative of West Belfast, and his efforts to bring the municipal expenditure of Belfast within the purview and control of all the ratepayers. There will be no avoidable delay. Surely the hon. Gentleman opposite knows that even if the clause is rejected, no serious action, so far as the actual works are concerned, can be taken yet? Large contracts have to be made, on which I will say a word presently, and great preparations have to be made, and it is quite impossible to get through these preliminaries before November; therefore there will be no loss of time in actual works. It is said the expenditure before November will be small; but contracts may be entered into involving very heavy expenditure indeed. I have no desire to cast doubt on the *bona fides* of hon. Gentlemen, who, no doubt, mean what they say; but surely their words have no binding effect upon the Corporation while the latter has power to make these contracts. I say that unless this clause is passed the present Corporation of Belfast will have the power to enter into contracts for the expenditure of £300,000, and that in face of the fact that this House has decided that the Corporation is not competent to enter into such an expenditure until the large body of the ratepayers have made their voice heard. When this Bill passes the Council will dissolve next November, and it is notorious that not a single member of the Council will be re-elected, so that the House—if this clause is not accepted—will come to the astounding decision that a Corporation that will not be re-elected shall have the prospective power of saddling the ratepayers with an expenditure of £300,000. I recognize with my hon. Friend the impartial spirit with which hon. Members have acted in regard to this Bill, and I trust that spirit will prevail to the end of the proceedings. The House has decided over and over again that the ratepayers should have control over the large expenditure upon the drainage scheme, and the way to give effect to that decision is to prevent the present Corporation taking action until the ratepayers have expressed their opinion by the election of a new Council.

MR. CHANCE: The hon. Member who said that there was an annual loss of 200 lives from want of a main drainage scheme for Belfast did not even see this was a heavy accusation against the Corporation that for half-a-century made no attempt to remedy the evils. In reference to what the hon. Member has said as to the Amendment he proposes to move to the Main Drainage Bill, I am quite sure it would be out of Order on the consideration of the Lords' Amendments; and without such a clause as this there is no guarantee that the Corporation, in which the people have no confidence, would not burden the town with an expenditure of £300,000.

MR. SEXTON: Before we go to a Division, Sir, may I ask you a question? The hon. Member for North Belfast has stated that it is his intention, on the consideration of the Lords' Amendments to the Main Drainage Bill, to move the insertion of a clause to provide for a town meeting to consider the scheme. I have to ask you, Sir, will it be competent for the hon. Member to enter upon any other matters than the acceptance or rejection of the Lords' Amendments?

MR. SPEAKER: Any Amendment proposed by any hon. Member in this House must be relevant to the Lords' Amendment then under consideration.

Question put.

The House *divided*:—Ayes 89; Noes 71: Majority 18.—(Div. List, No. 212.)

Clause *added*.

MR. SEXTON: I ask the House to allow the third reading to be taken now, because the Main Drainage Bill comes on on the 20th, and if this Bill is delayed a further postponement of that Bill will be necessary.

Mr. T. P. O'Connor

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Sexton.*)

MR. EWART: I do not object to the Motion.

Question put, and *agreed to*.

Bill read the third time, and *passed*.

MOTION.

—o—

CRIMINAL LAW AMENDMENT (IRELAND) [EXPENSES].—RESOLUTION.

Motion made, and Question proposed,

"That this House will, To-morrow, resolve itself into a Committee to consider of authorising the payment, out of moneys to be provided by Parliament, of any allowances that may be made, and Expenses that may be incurred, under the provisions of any Act of the present Session to make better provision for the prevention and punishment of Crime in Ireland, and for other purposes relating thereto" (Queen's *Recommendation* signified).—(*Mr. Jackson.*)

MR. T. M. HEALY (Longford, N.): May I, upon this Motion, ask the Government to give me a distinct answer to a question I raised earlier without getting an answer? This is a Resolution upon which to found a Committee, and to that extent it is a matter of form, but it is one upon which I may put the question again; and that is, do you expect a prisoner to pay all his expenses for the transfer of his counsel and witnesses? The travelling expenses from Dublin to England are less than the expenses of travelling from Cork to the Giant's Causeway, and it is only a fair thing that if a prisoner is removed for trial to such a distance these expenses should be defrayed for him. Before we allow a Committee to be formed to make provision for the payment of useless fees for motions for cause we should know whether the expenses of counsel and witnesses in the case of a prisoner torn from his friends by a change of venue will be paid.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): Under this clause the same course as regards expenses will be followed as in a similar clause in the Act of 1882. The hon. and learned Member is probably aware that in that case the expenses of counsel were paid when the change of venue necessitated any extra or additional expense by reason of the change. The hon. and learned Member will see that it would not be fair to the taxpayers to impose on them the payment of counsel in all cases where there is a change of place of trial. For instance, take the case of a change of venue from Cork to Dublin, the services of the very same counsel would probably be available more readily than if the proceedings went on in Cork. That will be done which was done in the Act of 1882—namely, that when by a change of venue charges are incurred by the prisoner or accused for extra expenses to obtain the services of counsel, those expenses will be paid; and of course the expenses of witnesses, where there is a change of venue, will also be paid.

MR. MAURICE HEALY (Cork): The right hon. and learned Attorney General for Ireland has not answered the question; he has mentioned a change from Cork to Belfast. Of course, in Dublin the same counsel would act, for there is the Central Law Courts. But suppose the change of venue is to some other circuit; then the prisoner could not employ the same counsel without the payment of special fees. Will the right hon. and learned Gentleman answer that?

MR. T. M. HEALY: If we do not get an answer we shall divide.

Question put.

The House *divided*:—Ayes 111; Noes 48: Majority 63.—(Div. List, No. 213.)

House adjourned at twenty-five minutes after Three o'clock.

HOUSE OF LORDS,

Friday, 10*th June*, 1887.

MINUTES.]—SAT FIRST IN PARLIAMENT—The Lord Hindlip, after the death of his father.

PUBLIC BILLS—*First Reading*—Municipal Corporations Acts (Ireland) Amendment (No. 2)* (116); Trusts (Scotland) Act (1867) Amendment* (117).

Second Reading—Dog Owners (91), *negatived*.

Report—Tithe Rent-Charge (110-115).

PROVISIONAL ORDER BILLS—*Second Reading*—Elementary Education (Christchurch)* (92); Elementary Education (Middleton St. George)* (93); Elementary Education (London)* (94); Pier and Harbour* (103).

DOG OWNERS BILL.—(No. 91.)

(*The Lord Mount-Temple.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD MOUNT-TEMPLE, in moving that the Bill be now read a second time, said, the object of the Bill was to provide that the owner of a dog should be liable in damages for any personal injury done by such dog to any person, and it should not be necessary for any person suing for the recovery of damages for any such injury to show a previous mischievous propensity in such dog, or that the owner knew or had notice of such mischievous propensity, or that the injury complained of was attributable to any negligence on the part of the owner in the keeping or management of such dog. The sight of dogs with jaws tied up by iron muzzles had given to multitudes a new impression of the dangerous character of dogs. Many, who used to think of them as tame and pleasant domestic creatures, were suspicious and alarmed at the sight of them, and some people had begun to wish that no dogs were to be seen in the street. It was for the interest of dogs and of dog-owners that the rising prejudice against the freedom of dogs should be allayed, for, though the cases in which dogs were savage and injured strangers were very rare, they did arise, and there ought to be an easy process for getting compensation in the form of damages. In this respect the law was absurdly inefficacious. The right of a person injured by the bite of a dog to maintain an action for damages against the owner of a dog depended on his ability to prove by evidence, not only that the dog was of a mischievous and ferocious disposition, but that this fact was known to the owner or person in charge of the dog. There had been many cases in which the ferocity of the dog and the knowledge in the owner of that ferocity were fully believed by the neighbourhood, and yet the injured party lost his damages from the want of the particular evidence required by law. This was one of the instances in which the law gave more protection to property than to individual human persons; for, by an Act of 1865, damages for injury inflicted by dogs on cattle and sheep could be obtained without proof of the previous ferocity of the dog, or previous knowledge in the person who was responsible for the dog, so that if a dog bit a calf in his pasture the law gave him easy redress, but if that dog preferred to bite the calf of his leg, the law gave him little more than a nominal redress. None of their Lordships would doubt that an alteration of the whole condition of the law was required, but there might be a question as to the form of that alteration. The ancient law seemed to have been founded on the assumption that dogs, like other domestic animals, must be considered too respectful towards men and women to presume to injure them until some evidence could be produced to prove an exception in the case of a particular dog. He believed that most lawyers agreed that it was not necessary at the present time to cling to the antiquated doctrine of *scienter*, and he had the result of an inquiry made for the opinions of the County Court Judges, who, with very few exceptions, considered it better to extend the principle of the Act of 1865 to injuries done to human beings than to adopt a new form of application of the old rule of *scienter*. The owner was free to have or not to have a dog. He got the pleasure and companionship of the animal, and upon him, and not upon anyone else, ought the risk to fall if the dog turned out to be worse than he expected. On these grounds, he hoped their Lordships would assent to the second reading of the Bill.

Moved "That the Bill be now read 2ª."—(*The Lord Mount-Temple.*)

THE LORD CHANCELLOR (Lord HALSBURY) said, he was very sorry he could not recommend their Lordships to adopt the proposed alteration of the law. No doubt, a person who chose to keep a mischievous dog ought to be responsible for any injury done by it. That was the law at present, and it applied not to dogs only, but to all other mischievous animals. If a man chose to keep a tiger, he was bound to keep it under such conditions that it could not kill or injure human beings. If a dog had become ferocious, and was likely to worry mankind, the law said that the owner who knowingly permitted such a dog to be at large was responsible in damages for any injury it might commit. So far the law seemed to him to be based upon an intelligible principle. But now it was suggested that the law should go further. The Bill would make persons liable for damages from accidental causes, as in the case of a dog being affected with rabies. He did not think the noble Lord could have contemplated the effect and the far-reaching consequences of the alteration he proposed. The keeping of a dog was not in itself a wrong, unless it were accompanied by negligence or some culpable omission to provide against the risk of injury to the public. He admitted that the noble Lord had some precedent for his Bill in the Act of 1865. He did not think their Lordships would approve this very serious alteration in the law, which, in his opinion, would open the door for numberless actions of a frivolous and mischievous character.

On Question? *Resolved* in the *negative.*

EGYPT—THE ANGLO-TURKISH CONVENTION — FRANCE AND THE HEBRIDES—THE PAPERS.

OBSERVATIONS. QUESTION.

THE EARL OF CARNARVON: My Lords, I do not propose, as far as I am concerned, to raise any discussion in this House in reference to the Question of which I have given Notice. It is clear, from the reports which have appeared in the public Press, that the position, diplomatically, is one of a certain amount of tension at the present moment. I have no wish whatever to increase that tension. I am quite conscious that the position of Her Majesty's Government is a difficult one, and—giving them credit, as I fully and sincerely do, for an anxious regard for British interests in Egypt, and also giving them credit for taking into full consideration that duty which unquestionably we owe to Egypt, having undertaken a certain mission, so to say, not to leave it unfulfilled—I do not propose to raise any question of debate to-night. I shall not comment upon those reports which have appeared. I shall make no criticisms, however friendly, which might place my noble Friend in a difficult position for reply. I shall leave it entirely to him to say much or little, as he thinks best under the circumstances. One thing only I would say. It is stated, and apparently stated on solid grounds, that great pressure is being placed diplomatically upon Her Majesty's Government with regard to that Article which gives us, under certain circumstances, the right to the re-occupation of Egypt. I pronounce no opinion on the Convention so far as it has appeared; but I will venture to say this much—that I think the Government have gone to the extreme verge of that which was prudent and safe, and I sincerely trust that no amount of diplomatic or political pressure will induce them to go one single step further in the direction of that re-occupation—I mean, of course, one single step further towards giving up the claim for re-occupation. I adhere, therefore, to my resolution with which I started, and I will merely ask my noble Friend, When he will be in a position to lay the Papers on this most important transaction on the Table of the House, without the reading of which it will be difficult for your Lordships to form any fair and impartial conclusion?

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): My Lords, I feel that both in this and in the other House very great consideration and forbearance have been shown to Her Majesty's Government in reference to this question, and that no step has been taken in any way to embarrass us or create difficulties. That circumstance makes me feel the more regretful that I cannot at once lay the Convention, and the Papers relating to the Convention, on the Table of the House; but the circumstances to which my noble Friend has referred must, I think, without dwelling upon them further, show that it would not be desirable to lay that Convention on the Table until it has been ratified. As soon as it has been ratified it shall be laid on the Table. I may just say shortly what the provisions are. Our position is not one of perfect freedom. We were not dealing with the matter as *res integra*. We had pledges of a very binding character which we inherited, and binding in two directions. It was not open to us to assume the protectorate of Egypt in the way that the French Government assumed the protectorate of Tunis, even supposing—a question upon which I desire to give no kind of opinion—that such a course, on other grounds, would be consistent with International Law and the interests of this country. It was not open to us to do so, because Her Majesty's Government had again and again pledged themselves that they would not do so. On the other hand, it was not open to us to abandon the task we had undertaken and leave the Egyptians without any protection from those evils to which undoubtedly, by the force of events, our intervention had tended more to expose them. We had no right to leave them at the mercy either of any kind of foreign invasion, such as they have had to deal with and repel, or exposed to the dangers of internal troubles which had brought their State within a very short distance of destruction. My noble Friend has dwelt upon that pledge, and he does us no more than justice when he expresses his conviction that it is a pledge which has been constantly present to our minds, and which we have done our utmost to fulfil. Hedged in on one side and the other by these two pledges, we had to find a solution of the question which should be agreeable to both of them, and we did not feel that it was a solution which could be indefinitely postponed. Not only was there considerable expense incurred by this country, for which Parliament would naturally desire to see some practical motive; but it was undoubtedly the fact that our presence in Egypt, unrecognized by any Convention, did inspire the Ottoman Court with considerable disquietude and gave the subjects of the Sultan cause for a suspicion which we did not deserve, but which it was very natural that they should entertain. We were very anxious to sustain the authority of the Sultan, and not to give any handle for the belief that we entertained designs in the slightest degree against his just rights. Guided by these motives, we have agreed to a Convention being signed. We have authorized the signing of a Convention which has been negotiated by my friend Sir Drummond Wolff, to whose skill, tact, and patience I am bound to pay a very high tribute; and the terms, without going into many details, may be briefly described as follows:—There is something in it about the Suez Canal and Protocols in reference to it; and there are other details. But what my noble Friend was most concerned to know was as to the presence and stay of our troops in Egypt. We have engaged, subject to certain conditions, which I shall state, to withdraw our troops from Egypt at the expiration of three years from the ratification of the Convention, and we shall cease at the end of five years to have the right secured to us up to that time to appoint the officers of the Egyptian Army. But, in the first place, that engagement is limited by the condition that if there is any danger, external or internal, to be apprehended at the time when this evacuation is due, it will be adjourned, and will not take place until that external or internal danger has passed by. After the evacuation has taken place we shall then have to deal with what may happen during the absence of our troops from Egypt. In three contingencies we retain the right of sending our troops back—namely, if there is danger of external invasion, if there is danger of internal disturbance of order, or if there is danger of the Government of Egypt not fulfilling its international obligations. But we are under the obligation, as soon as the danger is dispelled, to withdraw our troops again. The Sultan, it is recognized in the Convention—but it is a right not derived from the Convention—the Sultan has the same right of sending in his troops for the same causes. No other nation is to have any right to send troops into Egypt except for the purpose of transport, which is strictly regulated. These are the conditions which have been agreed upon between the Porte and ourselves. It is simply an agreement between the Porte and ourselves; and your Lordships will, therefore, observe that supplementary proceedings will be required to give it full force and effect. The assent of other Powers will be necessary to some of these stipulations; and unless that assent is given our engagements lose their validity, and we remain in the same position as we were in before. Our engagements are made to the Porte, and to the Porte alone. My Lords, I think that, on the whole, perhaps I had better follow the cue given to me by my noble Friend, and not dwell any further on considerations which I could not enter into at any great length without the risk of saying something which I had better not say. I will merely say that, the earliest possible time after the ratification, I propose to lay on the Table all the Papers connected with this Convention, except, of course, those connected with the negotiations with other Powers, which will be presented on a future occasion.

THE EARL OF KIMBERLEY: I rise to ask the noble Marquess one or two questions on this matter, although I do not wish to discuss now the terms of the Convention which has been signed. The noble Marquess said that in the Convention there was something about the Suez Canal. That is a matter of such high importance that it would be satisfactory if we could know in some general terms what that something is. Another question which I would ask is, whether we are to be the sole judges as to sending the troops back to Egypt in case of necessity, or whether the Porte will join in that determination? I would further ask whether there is any agreement with regard to the time for the evacuation of our troops after the restoration of order?

THE MARQUESS OF SALISBURY: As to the first question in regard to the Suez Canal, I did not dwell upon it, because, as I thought, the noble Earl opposite would be fully informed, from his official experience, that all we have done is to carry out Lord Granville's engagements. Lord Granville engaged that the Canal should be open to all persons at all times, and to that engagement we have strictly adhered. The noble Earl next asks whether we are to be the judges, or the Porte is to be the judge, as to the necessity for the re-entry of the troops? We are to act in full communication with the Porte; but we have declined to make the consent of the Porte a condition precedent to our going in, and that for the very obvious reason that the dangers which we wish to guard against might arise at any moment; and if it was necessary to have negotiations with Constantinople before action was taken, the danger might become much more formidable than if action were taken at once. There is a distinct engagement between the Porte and ourselves that the troops shall be withdrawn the moment the danger ceases.

TITHE RENT-CHARGE BILL.—(No. 110.)

(*The Marquess of Salisbury.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Clause 2 (Liability of owner of lands for rent-charge).

LORD BRABOURNE said, he rose to move, in page 1, line 17, after ("cease,") to insert—

("Provided that if the owner of less than one hundred acres of land, without any proceedings under this Act, and within three months after any rent charge becomes payable, pays the same in the parish or parishes in which his land is situate, he shall be entitled to deduct therefrom five per cent in consideration of the personal liability imposed upon him by this Act.")

He proposed to restore, with some little alteration, the Proviso at the end of Clause 2, which the noble Lord at the head of the Government introduced, but which was subsequently withdrawn. Their Lordships would bear in mind that there was this singular feature in the Bill, that whereas it was avowedly introduced on account of the difficulties which had arisen in connection with the incidence and mode of collection of tithes, there was not one clause, nor one line of a clause, which afforded the slightest relief to the tithepayers, whose complaints had brought those difficulties prominently before the public. He desired that the Bill should not go down to the other House without showing that their Lordships had at least some little consideration for the tithepayer, who was complaining so much. At present this was emphatically a titheowners' Bill. He observed that at a Diocesan Conference, held at Lambeth the previous day, under the presidency of the Archbishop of Canterbury, a number of earnest but, as he (Lord Brabourne) thought, short-sighted Churchmen had come to an unanimous resolution that, "in the interest of the titheowners, it was desirable that this Bill should at once become law without amendment." No doubt, this was the titheowners' view. The Bill was aimed at owners of land, and especially at the class of small owners, the number of whom they were all agreed it was desirable to increase; and he feared that the inevitable result of the Bill, if it passed in its present shape, would be to intensify and extend the agitation against tithes, and also to enrol among the supporters of that agitation men who, by a little wise and well-considered legislation, would have been kept in a different camp. The first blow would fall upon these small owners; but, to his mind, the eventual result of that Bill must be a great blow to the tenant farmers of England. He earnestly urged their Lordships to consider how this would be brought about. They were going to repeal the Law of Distraint in regard to tithe, whilst, in the same breath, the supporters of this proposal declared that tithe was more sacred than rent, and was a prior charge upon the land. If this was the case, how could they logically refuse the demand, which would infallibly follow, that they should repeal the Law of Distraint in regard to rents? The moment they did that they would create an entire revolution in the management of the whole of the landed property of England. Landowners would no longer be able to grant to their tenants the indulgence now constantly granted of holding their rents in hand during that portion of the year in which no returns came from farming, and of clearing up their rents several months after they had become actually due. The repeal of the Law of Distraint would compel landowners to require rents to be paid at less intervals of time, and would oblige them to enforce more exactness and punctuality, and to see that rent was paid, or adequate security given, within a limited time. All this would in its working inflict great inconvenience upon the body of tenant farmers. But at the present moment he was dealing only with the small owners of land. Had they or had they not reason to complain? The other day his noble Friend at the head of the Government taunted him with not having shown the shadow of a case for the re-valuation of tithe. He (Lord Brabourne) always bore the taunts and jeers of his noble Friend with great equanimity, because they showed that he was in good health and spirits, which no one more devoutly than he wished for his noble Friend. But the taunt was misplaced in this instance, because he had not been attempting to make out a case for the re-valuation of tithes, but had only incidentally remarked that if his noble Friend had found himself able to propose any such measure, he would have done more to meet the public feeling than by the present Bill. The tithepayers had a good deal to complain of on account of the amount of the tithe rent-charge, its inequality, the manner in which it had been commuted, and the principle in respect to tithe lately avowed by the Head of the Government. His noble Friend of other day said that he had not brought forward any figures; but he could have quite overwhelmed their Lordships with figures, if he had desired to do so, as regarded the amount. Anyone who had inquired into the subject must be well aware that in many instances that amount was excessive, exceeding, as it did, the rent, and pressing hardly upon the land. As to the inequality, that also was beyond doubt. In his own case he had, at that moment, on his hands a large field situate in two parishes. In the one parish the tithe was commuted at 10*s.*, in the other at 7*s.* per acre, and, as a matter of fact, the latter was the best part of the field. In another case the rent was 19*s.* per acre, of which 10*s.* went to the landowner and 9*s.* to the titheowner. These instances could be indefinitely multiplied. The fact was that the manner in which tithe was commuted in 1836 caused great inequality. The average of the receipts of the seven previous years was taken at the time of commutation. Consequently, if the titheowner had been exacting, a heavy tithe was put upon the land; if he had been careless or liberal, the tithe was lighter; or, take it another way, the man who had farmed well up to the mark and had his land in good condition paid a heavy tithe, while the man who farmed badly and neglected his land paid a light tithe. All these things tended to show that, after 50 years, there was justice in the demand for re-valuation. But, above all, the principle lately avowed by the noble Marquess made it very desirable that we should know the ground on which we were standing. The noble Marquess at the head of the Government said tithe was the tenth of the produce of the land, totally irrespective of the cost of production. That was the ancient Law of Tithe, at a time when the cultivation of the land cost little; but now, when the cost of cultivation was so great that, according to fair calculation, the value of £7 per acre for wheat, as stated by the noble Marquess, was only obtained by an expenditure of £6 per acre, to abstract a tenth from the value of £7 so obtained, was a doctrine which he believed would not be accepted by the people of England. If such a principle was to be acted upon, their Lordships would witness a revolution against tithe which would shake the fabric of the Establishment. He thought it would be a wise thing, at this moment, to consider whether they could not sweeten to the tithepayers, in some small measure, the Bill, before sending it down to the other House. It appeared to him that there was a great case for reduction with regard to those poor owners, because they were the men who had suffered largely by the legislation of the last 50 years. Seeing that their Lordships were landowners themselves, he wished to avoid the possibility of their being charged with selfishness in this matter, and, therefore, he asked them to extend this relief only to those small owners who were most in need of it. It might be asked, however, why he chose the figure 100? It was obvious that they must take some figure, just as £2 was taken in Clause 10 as the amount to which compulsory redemption under that clause should be applicable, and he believed that 100 acres would cover the bulk of the small owners throughout the country. In any case, their Lordships were going to impose a personal liability where none now existed. They ought to give some compensation, and the compensation which he asked for was a small one. In his own opinion it was too small. He believed that if their Lordships consented to the restoration of this Proviso they would be showing their sympathy with a class who emphatically deserved it, affording an inducement to the speedy payment of tithes, and making, at the same time, a concession in the direction at once of justice and of wisdom.

Amendment *moved*,

In page 1, line 17, after ("cease,") insert—("Provided that if the owner of less than one hundred acres of land, without any proceedings under this Act, and within three months after any rent charge becomes payable, pays the same in the parish or parishes in which his land is situate, he shall be entitled to deduct therefrom five per cent, in consideration of the personal liability imposed upon him by this Act.")—(*The Lord Brabourne.*)

Lord ELLENBOROUGH said, he considered the proposition of the noble Lord a very moderate one.

Lord BRAMWELL said, he must express his surprise at the speech of the noble Lord who moved the Amendment. In his judgment, the great reason for this Bill was the difficulty of making the occupier of the land understand that the question was not one between him and the titheowner, but one between the owner of the land and the titheowner. The noble Lord's case was founded on the idea that the landowner incurred some additional responsibility. He did nothing of the sort. The landowner was the person liable for the tithe. The Tithe Commutation Act expressly said so. It was true that he could not be directly got at for non-payment of tithe by the occupier, but he could be indirectly got at in this way—that if the landowner appointed his tenant to pay he received less rent from his tenant than he otherwise would, and if the landowner did not agree with his tenant that the latter should pay, the landowner was liable, if he did not pay, to the tenant if distrained on. The landowner was at present as much liable to the tithe as he would be by this Bill. By it it was proposed that he should be got at directly by a suit to be brought against him for the recovery of tithe; but it was a mistake to suppose that he incurred a pennyworth of liability more than he was subject to at the present time. In these circumstances, the foundation of the noble Lord's case seemed to fail. It was urged by the noble Lord that they should sweeten the Bill for the acceptance of the other House. Let their Lords sweeten it if they chose; but he asked them not to sweeten it by a sort of plunder of the titheowner.

THE EARL OF KIMBERLEY said, the noble and learned Lord (Lord Bramwell) complained that there was no distinction in substance between this Bill and the law as it present stood. But the noble and learned Lord had stated the distinction himself with admirable clearness. No doubt, it was a question between the titheowner and the landowner. At present the relationship was an indirect one, but this Bill proposed to make it a question of direct relationship; and surely the noble and learned Lord would not say that this was not a difference.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY) said, that the only thing which the occupiers would suffer from by the passing of this Bill would be that they would no longer be liable to have their goods distrained upon—a process to which they were subject now. He doubted whether the occupier would conceive that to be a hostile act on the part of Parliament. It was said that a great change had taken place in regard to this matter, but he confessed that he was unable to see it. It seemed to him that that which was liable for tithe now, as in the past, would be the land. Those people who were owners of 100 acres of land were, if not invariably, certainly in the large majority of instances, the occupiers of their own land, and they had been paid tithes all along without any change whatever in their position. They were the last persons in the world who had any relief to claim, because their position was in no way changed. There were some parishes where there were a great many owners as compared with occupiers, and in those parishes, where, no doubt, there would be many owners of less than 100 acres, the clergyman would not be in the least relieved by the passage of this Bill from the trouble he incurred, and he would have nearly as many persons to deal with as before. Therefore, the reason for deducting the 5 per cent commission to him would disappear. On the whole, it seemed to him that the proposal was not one that the House ought to accept; and he must object to the idea of making the Bill sweet for the consumption of the other House. The other House was perfectly capable of taking care of itself, and whatever it thought necessary it would probably insert and send back to this House in the Bill. But he thought their Lordships had better send the Bill down in the shape they thought it ought to be, and leave the other House to suit its own palate.

LORD BRABOURNE explained, that he had not expressed a wish to sweeten the Bill to the other House, but to the tithepayers.

On Question? *Resolved* in the *negative.*

Clause *agreed to.*

Clause 4 (Attachment of rent).

THE MARQUESS OF SALISBURY said, he rose to move the insertion of words to the effect that the County Court Judge, before making an order for the attachment of rent due to the landowner for the payment of tithe rent-charge, must be satisfied that recovery could not be had with reasonable despatch in any other way. He had had some hesitation in determining how to meet the objections which had originally been brought against this clause. But, on the whole, he thought the best way would be to limit it, and not to permit the titheowner to seek the remedy given by it unless he could satisfy the Court that he could not get his money with reasonable despatch in any other way. There was the danger that the section providing summary execution might produce the very evils which it was desired to guard against, and he thought that they had done enough for the titheowner in putting it into the Act that he had the right to attach the rent.

Amendment *moved*, in page 4, line 9, after ("unsatisfied,") insert ("and that recovery cannot be had with reasonable despatch in any other way.")—(*The Marquess of Salisbury.*)

LORD HERSCHELL said, he agreed entirely with what had fallen from the noble Marquess. There had been ground for apprehending that the effect of the clause as it stood would have been to do away with much of the benefit to be derived from the operation of this measure.

On Question? *Resolved* in the *affirmative.*

On the Motion of The Marquess of SALISBURY, Sub-sections (2) (3) and (4) were *struck out.*

Clause, as amended, *agreed to.*

Clause 6 (Effect on existing contracts of tenancy).

On the Motion of The Marquess of SALISBURY, Amendment made, in page 6, line 12, at end of Clause 3, inserting as a fresh paragraph:—

("Where, by reason of the redemption of the tithe rent-charge on any lands, the tenant or other person holding such lands under the owner by virtue of any contract existing prior to such redemption is liable to pay any increased sum on account of rates, he shall, during the continuance of such contracts, be entitled to deduct such increase from his rent.")

Clause, as amended, *agreed to.*

Clause 9 (Provision for redemption of rent-charge).

On the Motion of The Bishop of LONDON, Amendment made, in page 8, line 13, by adding at the end of Sub-section 1—

("Provided that in the case of disagreement, where the Ecclesiastical Commissioners are themselves the payers of the tithe rent charge, the amount and term of the annuity shall be referred to the Lord Commissioners, who shall hear both parties and shall also take the opinion of the bishop as required by the preceding clause of this Act, and whose decision shall be final.")

Clause, as amended, *agreed to.*

On the Motion of The Marquess of SALISBURY, the following new Clause was inserted, after Clause 10:—

(Redemption of tithe rent charge on lands divided into plots for building.)

("Where lands charged with tithe rent charge are, after the passing of this Act, about to be divided for building or other purposes into numerous plots, it shall be the duty of the owner of such land to redeem the tithe rent charge on such land before such division, and, if he fails so to do, he, his heirs and assigns, shall be liable to pay the costs incurred in any subsequent redemption of such tithe rent charge. Where lands charged with any tithe rent charge have been or are about to be divided for building or other purposes into numerous plots, whether houses have or have not been built upon such plots, the provisions of this Act with respect to the redemption of tithe rent charge to an amount not exceeding two pounds shall apply to the said tithe rent charge, and the Ecclesiastical Commissioners, on the application of any person interested either in the tithe rent charge or in any part of such lands, may require the owner of the lands to redeem the same in accordance with those provisions, and where the lands have been divided the tithe rent charge may be apportioned among the divisions in such manner as may be just, either by the Ecclesiastical Commissioners or by the Land Commissioners on the request of the Ecclesiastical Commissioners, and for that purpose the Land Commissioners shall have the same powers of apportionment as they have under the Tithe Rent-charge Acts specified in the First Schedule to this Act.")

THE MARQUESS OF SALISBURY moved to insert the following new Clause, after Clause 10:—

(Money applicable for redemption of tithe rent charge.)

("Any money which may by law be applied in the redemption of tithe rent charge charged on any lands may be applied in payment of a capital sum for the determination of any annuity charged under this Act on such lands by way of redemption of such tithe rent charge.")

LORD BRABOURNE said, that it did not appear to him that it had been sufficiently taken into account that a titheowner who received a capital sum by way of redemption would escape rates which he (Lord Brabourne) found in his own experience to amount to about 12 per cent on his assessment. This burden would be transferred to the owner who redeemed the tithe. He had not, however, taken part in the discussion, because he was convinced that the terms offered for redemption were so one-sided that no sane landowner would be likely to redeem.

Clause *agreed to.*

Schedule 1.

LORD BRABOURNE called attention to the proceedings of the first inquiries instituted under the Extraordinary Act as reported in local papers. It appeared that a claim had been advanced on behalf of the titheowners to inquire into the value, not only of the hop or fruit gardens in cultivation as such at the time of the passing of the Act, but into the whole farm of which such gardens formed a part, as to its capability for being converted into such gardens. If this were so, and the request of the tithepayers for a general re-valuation of tithes was at the same time refused, there would be a manifest injustice. He had understood that the inquiry and charge to be placed on the land was limited to existing gardens, and he begged to call the attention of the noble Marquess to the facts reported.

Schedule *agreed to.*

Remaining Schedules *agreed to.*

Bill to be read 3ª on *Thursday* the 30th *instant;* and to be *printed* as amended. (No. 115.)

PALACE OF WESTMINSTER—THE CENTRAL HALL — POSITION OF THE STATUE OF THE LATE EARL OF IDDESLEIGH.

QUESTION. OBSERVATIONS.

LORD MOUNT-TEMPLE, in rising to ask Her Majesty's Government, Whether it was intended to give permission to the subscribers to the statue of the late Earl of Iddesleigh, to place the statue in the Central Hall of the Palace of Westminster, or on one of the pedestals prepared for statues in the Lobby of the House of Commons? said, their Lordships and the Government had a responsibility for preventing interference with the architectural character and harmony of the building. A statue of the late Earl of Iddesleigh they would all be glad to see in a proper place; but if it were placed in the Central Hall it would detract from the architectural features of that Hall for which it was so much admired. There were in the Hall 48 pedestals, and on them 48 statues in proper form, dignified by crowns and surrounded by mediæval decorations. The statue of Earl Russell seemed to have dropped down accidentally into a place not intended to receive it. The son of Sir Charles Barry had written a letter in which he said that his father would have objected to the statue of Earl Russell in its present position as out of character with the Hall and a blot upon that part of the building. In the Commons Lobby there were eight pedestals which Sir Charles Barry left to be occupied by statues. Why should not the statue of the Earl of Iddesleigh be placed upon one of those pedestals where it would be in harmony with the surroundings? The only reason he had heard for placing the statue in the Central Hall was that that Hall was more open to the public than the Commons Lobby. Many of the great works of art in that building were not open ordinarily to the public. A matter of this kind ought not to be left to an official like the Lord Chamberlain, but it was a matter upon which the Government and Parliament ought to express an opinion.

LORD HENNIKER said he could not give the noble Lord an answer to his Question, because if he did so he should be exceeding his duty as representing the Office of Works in that House. The question was one that rested entirely in the hands of the Lord Great Chamberlain; and, therefore, it would not be right on his part to discuss whether it should remain in his hands or in the hands of the Board of Works, or any other authority, although it was undoubtedly one of great interest, and they were indebted to the noble Lord for bringing it before them.

House adjourned at half past Six o'clock,
to Monday next, a quarter
before Eleven o'clock.

HOUSE OF COMMONS,

Friday, 10th June, 1887.

MINUTES.] — PROVISIONAL ORDER BILLS — *Considered as amended*—Water * [250].

Third Reading—Local Government (Poor Law) (No. 3) * [260]; Local Government (Gas) * [259]; Local Government (No. 2) * [261].

QUESTIONS.

—o—

POLLUTION OF RIVERS (SCOTLAND)—DISCHARGE OF SEWAGE, &c., INTO THE RIVER CLYDE.

MR. BRADLAUGH (Northampton) asked the Lord Advocate, Whether, during the past fortnight, several thousand tons of silt, sewage, and chemicals have been discharged at the mouth of Loch Long in the River Clyde; whether one of these discharges of about 500 tons took place about two to three hours before high water on Tuesday, 31st May, and was carried by the incoming tide along the Bay of Ardentinny round the rocks into Lochgoil, and was there distinctly traceable by sight and smell for a considerable distance, and for at least two boats' length from the rocks; and, what steps, if any, are being taken by the Government, and against whom, to prevent further injury to the fishing population of the lochs, and to the health of the inhabitants near Dunoon, Kirn, and Blairmore?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): It has been ascertained to be the fact that large quantities of offensive matter have been recently discharged at the mouth of Loch Long, consisting of river-dredgings and chemical refuse. No such discharge is known to have taken place on the 31st of May; but on the 1st of June the contents of a lighter, believed to come from a chemical work, were discharged, and the result of this being done was that the effects could be traced along the shore. The Scotch Department has been in active communication with the Board of Trade on this matter; but as no injury is caused to navigation, that Board cannot interfere. An experienced officer of health will be at once dispatched to the locality, with instructions to make as speedy a Report as possible. I must point out, however, to the hon. Member that the Local Sanitary Authorities have the primary duty to interfere to stop nuisances, which, in the case of any illegal nuisance, they can do by application to the Courts of Law for interdict; and that Her Majesty's Government cannot take the initiative, but can only use their powers to compel dilatory Sanitary Authorities to do their duty.

BURMAH (UPPER)—THE RUBY MINES.

MR. BRADLAUGH (Northampton) asked the Under Secretary of State for India, Whether he can now give the House any information as to the negotiations, during the past 18 months, with reference to the Burmah Ruby Mines; whether he can state the tenour and several dates of the various communications received during that time, or made to Messrs. Streeter or to any person on their behalf, or received from or made to any other person or persons, with reference to the leasing, letting, or working the said mines, or relating to the sale or other disposal of the produce of such mines; whether he will state the names of the several persons who have applied for permission to visit the mines, the dates of their several applications, and the respective grounds stated for each such application, and the date and tenour of the reply in each case; why permission was granted in one case and withheld in others; and who is the person responsible for the permission granted to the representatives of Messrs. Streeter; and, whether he will lay upon the Table the whole of the Documents, Reports, and Correspondence, since the occupation of Burmah, relating to the said Ruby Mines?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The Secretary of State has called for the Correspondence on the subject of leasing the Ruby Mines which has been carried on in India and Burmah, and which has not yet been sent home. As soon as it is received he will consider what part can be laid upon the Table. In the meanwhile the information, official and private, in his possession is so incomplete that I cannot attempt to reply categorically to the earlier part of the Question. When the present Government came into Office, the Secretary of State found that the plan of giving a provisional lease to some firm or Company had been suggested; that with the sanction of his Predecessor certain persons had been invited to tender; and that Messrs. Streeter had made the highest bid. The Secretary of State, however, came to the conclusion that no binding agreement subsisted between the Government of India and Messrs. Streeter. He informed the Government of India that he desired that the value of the mines and the rights of Government should be carefully ascertained before pledging Government, and that any arrangements proposed should have his previous approval before being carried into effect. He also intimated that the desirability of retaining the mines in the hands of Government was well worthy of consideration. The Secretary of State has not yet received the Report on the value of the mines which he asked for, nor have any proposed arrangements been submitted for his approval, and until these are before him no decision can be arrived at. Meanwhile, he has repeated his former directions—that no action is to be taken without his previous sanction being obtained. The only desire of the Secretary of State is to deal with the property as may be best for the interests of the people of India, due regard being had to Native rights. If any persons have been prevented from visiting the mines on any ground other than a regard for their personal safety, it has been owing to no directions on his part, but to some misapprehension on the part of the Local Authorities. I have now given the hon. Member and the House all the information I can at the present moment. As soon as a decision is arrived at, or the fuller information asked for is in the possession of the Secretary of State, I shall be most happy to give such further particulars as may be then available.

ADMIRALTY—EXPLOSION ON BOARD H.M.S. "RUPERT" AT HULL.

Mr. C. H. WILSON (Hull, W.) asked the Secretary to the Admiralty, Whether they have received any explanation of the explosion on board H.M.S. *Rupert*, at Hull, during hand-charge practice, resulting in the death of one man; and injury to several others?

The SECRETARY (Mr. Forwood) (Lancashire, Ormskirk): An explanation has been received from the captain of Her Majesty's ship *Rupert* reporting that the usual precautions were observed at practice; but pending the further inquiry to be held, when the injured men are able to give evidence, the absolute cause of the accident cannot yet be stated.

METROPOLITAN POLICE—NEW STATION ON THE THAMES EMBANKMENT.

Mr. W. L. BRIGHT (Stoke-upon-Trent) asked the Secretary of State for the Home Department, Whether a contract has been entered into for a new police station on the Thames Embankment; if so, what is the contract price; what will be the rate per cubic foot of building; and, out of what funds the cost will be provided for?

The SECRETARY of STATE (Mr. Matthews) (Birmingham, E.): No contract has yet been entered into for the erection of the new central police offices on the Embankment; but certain firms have been invited to send in tenders for the foundations. The rate per cubic foot cannot, therefore, be stated. The cost will be met out of a loan which it is proposed shortly to ask Parliament to sanction.

INDIA — SPECIAL ALLOWANCES TO TWO ENGINEER OFFICERS.

Mr. KING (Hull, Central) asked the Under Secretary of State for India, Whether it is true that special allowances were granted to two military officers—namely, Lieutenant Colonel J. Brown, R.E., Engineer in Chief of the Sind Pishin State Railway, and Major T. Gracey, R.E., Superintendent Engineer, Burmah, while civil engineers assigned to similar duties in the same districts were refused the same privilege; if so, under what circumstances, and on what grounds, the distinction was made?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): The Secretary of State has no information of any such allowances having been made to the officers mentioned in the Question.

INDIA—THE PUBLIC SERVICE COMMISSION — THE UNCOVENANTED CIVIL SERVICE.

Mr. KING (Hull, Central) asked the Under Secretary of State for India, Whether the Government of India, having, since the Commission as constituted under Sir Charles Aitchison broke up, appointed a limited Sub-Committee to inquire into the subject of the admission not only of Natives but Europeans to all the more important branches of the Public Service connected with the Civil administration of the country, thus largely extending the scope of the inquiry, any arrangements have been made to give the Uncovenanted Service a fair opportunity of laying its grievances before the Committee; whether his attention has been called to the expressions of alarm in the Indian Press and among the Anglo-Indian community at the course being pursued by the Government of India, owing to the suspicion that very important changes are contemplated in the organization and conditions of the Services, especially in the direction of a large admission of Natives to important positions in the Services; whether the Secretary of State has information that the Bengal Chamber of Commerce has had submitted to it a letter strongly deprecating the course now being pursued by the Government in relation to this question; whether, having regard to the grave interests involved, he can make any statement with regard to the ultimate object of the inquiry, and the time within which it will be brought to a conclusion, which may have the effect of re-assuring investors and others having interests in India that no serious changes are about to be made in the direction indicated in the above letter; and what object the Government of India has in view in its present proceedings?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The Public Service Commission has not broken up. It was originally appointed, in consequence of a despatch of the Earl of Kimberley, dated July 15, 1886, to inquire into the admission of natives of India to offices formerly reserved exclusively for members of the Covenanted Civil Service. The Resolution of October 4, 1886, appointing the Commission, and the Resolution of March 8 last, appointing the Sub-Committee referred to by the hon. Member, have been laid upon the Table. It is for the Commission and the Sub-Committee to make arrangements for obtaining full information on the subjects of the inquiry; and I have no reason to suppose that the Uncovenanted Service will not be given a fair opportunity for stating its grievances. There is no ground for the alarms and suspicions referred to in the second and third paragraphs of the Question which have found expression in the newspaper articles and the letter mentioned. It is intended that the Sub-Committee shall conclude its inquiry by the autumn; and that then the Commission, as a whole, shall be re-constituted for the purpose of preparing its Report to the Government of India. Any changes which the Government of India may then have to propose will be submitted to the Secretary of State in Council, and will be considered with the care due to the importance of the subject.

CROFTERS HOLDINGS (SCOTLAND) ACT—LOANS FOR FISHING HARBOURS.

DR. CLARK (Caithness) asked the Lord Advocate, What are the terms on which the Fishery Board for Scotland will lend money under the Crofters Act for building and repairing fishing harbours in the counties under the Crofters Act?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrews Universities): The Crofters Act does not authorize loans for the construction of harbours, and, therefore, no terms for such loans have been adjusted.

THE CHIEF LAND COMMISSIONERS AT LONGFORD—RE-HEARING FROM APPEAL.

MR. HAYDEN (Leitrim, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that an application for the re-hearing of the appeal (Record No. 2,423) of Edward Murray, tenant, Francis O'Beirne, landlord, came before the Chief Land Commissioners at Longford on the 23rd of February, 1887; whether a period of three years had elapsed after the notice before the appeal came on; whether the case was struck out of the list, and the tenant ordered to pay the landlord's costs, solely on the ground that a fee of 1*s.*, as provided by one of the Rules, had not been paid by the tenant; and, whether the attention of the Commissioners will be drawn to the matter?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied), said, the Land Commissioners reported that the facts were as stated in the

Question. The law required that in every case in which notice of re-hearing was served such notice should bear a 1*s.* stamp. This was not done in the present case, and no appeal was, therefore, properly before the Court; and, if the opposite Party desired, he could ask that the case be struck out, which was the invariable practice.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—LETTING OF SEATS ON PUBLIC GROUND.

Sir GEORGE CAMPBELL (Kirkcaldy, &c.) asked the First Commissioner of Works, For whose benefit and profit seats on stands on public ground adjoining Westminster Abbey and St. Margaret's Church to witness the Jubilee Procession are advertised at five guineas each; if the ground has been let for the purpose, by whom and on what terms it has been let, and to whom the rent is to go; whether, in any shape, it will be devoted in diminution of the expenses incurred by Parliament for fitting up the Abbey, &c.; whether any other public ground is to be let; and, if so, for whose profit?

The FIRST COMMISSIONER (Mr. Plunket) (Dublin University): The stand erected on the green adjacent to the Abbey has been built upon land which is the property of St. Margaret's Church, and the profit derived from it will go to the Vestry of St. Margaret's. Neither the authorities of the Abbey nor the Government have any authority or right of interference in the matter. In order to meet the convenience of the Government the Vestry of St. Margaret's have agreed to surrender their rights over a considerable space of the remainder of the frontage belonging to them, and they have been permitted in exchange to place a stand in the Canning enclosure on the other side of the roadway. It is not proposed to let any public ground for profit.

Sir GEORGE CAMPBELL asked, whether the First Commissioner was aware that through the courtesy of a distinguished person connected with St. Margaret's, vestrymen and distinguished parishioners were to have seats; and whether, on the Government ground, some arrangement of the same kind could not be made for the convenience of the families of hon. Members?

Mr. PLUNKET: As to the rest of the Government ground I think I may be able to give a more satisfactory answer later on. I am, however, not responsible for the distribution of tickets by the Vestry of St. Margaret's.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked, whether the expenditure and income in connection with these platforms of the Vestry of St. Margaret's would come within the scope of the inquiries of the Local Government Board auditors?

Mr. PLUNKET: I am unable to answer the question as it does not come within the scope of my Department.

DISPENSARIES (IRELAND)—OUGHTERARD BOARD OF GUARDIANS.

Mr. FOLEY (Galway, Connemara) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any, or what, steps have been taken by the Local Government Board to meet the application of the Oughterard Board of Guardians, for the erection, in the Lettermore district of that union, of a dispensary and dispensary residence, for the use of the medical officer of the district; and, whether it is a fact that the only available residence at present, and for the past three years, for the use of the medical officer has been a poor cabin in a remote part of the district?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, the Local Government Board found it necessary, in connection with this application, which was received on the 13th April last, to ask the Guardians for some particulars. These particulars had not yet been furnished, and any delay which might have occurred was therefore attributable to the Guardians. The Local Government Board were not aware that the present dispensary residence was situated in a remote part of the district; but the medical officer had reported that a residence was very much needed.

CENTRAL AFRICA—TRANSIT TARIFF THROUGH PORTUGUESE TERRITORY.

Mr. BUCHANAN (Edinburgh, W.) asked the Under Secretary of State for Foreign Affairs, What steps have been taken by Her Majesty's Government to remove the impediments that have been placed by the Portuguese authorities in the way of communication by the Lower Zambesi and Shiré, between the African coast and the trading and mission stations in the neighbourhood of Lake Nyassa?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): I presume that my hon. Friend alludes to the suspension of the trading facilities formerly afforded by the scale of transit duties through the Portuguese territories. I stated on May 12, in answer to a Question from the hon. and learned Member for Partick Division (Mr. Craig Sellar), that Her Majesty's Government, having no Treaty rights in that region, cannot object to the imposition of the Mozambique Tariff. Her Majesty's Consul there has lately reported that the revision of the tariff of that Province is under consideration.

WAR OFFICE (AUXILIARY FORCES)—THE VOUNTEERS—ASSISTANT INSTRUCTORS IN SIGNALLING.

Colonel EYRE (Lincolnshire, Gainsborough) asked the Secretary of State for War, Whether it is possible to arrange for an officer from the brigade depôt to be sent when necessary to the head quarters of Volunteer Corps, to examine the officers and non-commissioned officers as assistant instructors in signalling, so as to avoid the necessity of the latter being compelled to proceed for the purpose to a distant town?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): A duly qualified officer is detailed by the General Officer commanding each district to examine the signallers of Volunteer Corps. As brigade depôts are not provided with instructors of signalling, it very frequently happens that no qualified officer is stationed at a brigade depôt. I am afraid, therefore, that it would be difficult to make the proposed alteration.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN—INCREASE OF PENSION TO OLD SOLDIERS.

Mr. H. S. WRIGHT (Nottingham, S.) asked the Secretary of State for War, Whether he will consider the propriety of signalising Her Majesty's Jubilee Year, in regard to the Army, by recommending a slight increase, during the remainder of their lives, in the pensions of those old soldiers who took part in either or both of the two great wars of Her Majesty's reign—namely, the Crimean War and the Indian Mutiny?

The SECRETARY of STATE (Mr. E. Stanhope) (Lincolnshire, Horncastle): No, Sir; I am unable to recommend that an increased charge for pensions should be created in honour of Her Majesty's Jubilee.

THE PUBLIC OFFICES—LOWER DIVISION CLERKS IN THE TREASURY OFFICE.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked Mr. Chancellor of the Exchequer, Whether it is a fact, that of the six Lower Division clerks in the Treasury Office no less than five were formerly writers, and that four of them are so efficient as to be receiving the highest rate of duty pay; and, whether instructions have been issued to the Civil Service Commissioners to fill up 121 vacancies in the Lower Division of clerks by the usual method of competitive examination?

The SECRETARY to the TREASURY (Mr. Jackson) (Leeds, N.) (who replied) said: There are 10 Lower Division clerks in the Treasury, not six as stated by the hon. Member. Of these, seven were men who had been long in the employment of the Treasury, and on account of the special circumstances of their case they were placed in the Lower Division at the time when it was instituted. Five of them are receiving duty pay; but none of them the highest rate of duty pay permitted. Of the 121 vacancies referred to in the second part of the Question, 72 will be filled by Lower Division clerks who have obtained places on the list, but have not yet been employed. Directions have been given for an examination to be held about August next.

CIVIL SERVICE WRITERS—SUB-COMMISSION OF INQUIRY.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked Mr. Chancellor of the Exchequer, Whether it is a fact that a Sub-Commission, consisting of Mr. Bergne of the Treasury, Mr. Humphreys of the Civil Service Commission, and Mr. Bright of the Inland Revenue, has been appointed to confer with the Heads of Departments in reference to Civil Service Writers; whether he will state the scope of the Sub-Commission's business; and, whether it is intended to forestall, in respect of the "Writer" Class, the Report of the Royal Commission now sitting on the Civil Services?

THE SECRETARY TO THE TREASURY (Mr. JACKSON) (Leeds, N.) (who replied) said: Three gentlemen have been appinted to collect certain information which the Treasury thinks it necessary to obtain. The appointment has no reference to the Royal Commission; but is intended to assist the Treasury in giving effect, as soon as possible, to the Treasury Minute of December, 1886, and to carry out the pledge given by the Chancellor of the Exchequer.

THE CURRENCY—THE NEW COINAGE.

MR. W. BECKETT (Notts, Bassellaw) asked Mr. Chancellor of the Exchequer, If he is aware that urgent requests are being made of bankers in all parts of the country for supplies of the new coinage, especially the smaller denominations, for distribution on the 21st instant; and, whether, in view of such demand, it will be possible for supplies to be in the hands of bankers at latest by the 20th instant, so that the provincial public may be able to obtain the new coinage on the following day?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): In reply to the hon. Gentleman, I have to say that the Mint is working up to its full power already. The Bank of England will make arrangements, in proportion to the supply it may receive from the Mint, to distribute the new coin to country bankers through their London agents before the close of next week, on the understanding that bankers are not to issue such coin to the public before the 20th instant. Similar arrangements have already been made for Ireland.

METROPOLITAN POLICE — SUPERINTENDENTS' DIVISIONAL REPORTS FOR 1886.

MR. PICKERSGILL (Bethnal Green, S.W.) asked the Secretary of State for the Home Department, Whether the Divisional Reports for 1886 of the Superintendents of Metropolitan Police were all sent in during January last; and, if so, what is the cause of the delay in the issue of the Report of the Chief Commissioner; and, whether he can now state when the Report will be issued; and, if not, whether he will, at any rate, give an undertaking that it shall be in the hands of Members before the Vote for the current financial year is taken?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I am informed by the Chief Commissioner that the Divisional Reports for 1886 of the Superintendents of Metropolitan Police were all sent in about the end of January. It is usual to present the Chief Commissioner's Report about the end of July. This year the Commissioner hopes to be able to have it ready a few weeks earlier. It cannot be prepared earlier than this, as time is necessary to complete the statistics of criminal cases, some of which are even still pending.

FISHERY PIERS AND HARBOURS (IRELAND)—ADDITIONAL ACCOMMODATION IN THE WEST OF IRELAND.

MR. HOOPER (Cork, S.E.) asked Mr. Chancellor of the Exchequer, Whether the sum of £4,000 to be devoted to the promotion of fishery pier accommodation in the West of Ireland will provide actual additional accommodation of this kind, or be spent in the completion of works already commenced under former schemes?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): The £4,000 is to be spent on piers, harbours, and roads, not on piers only, as the Question seems to imply. A sum of rather under £3,000 will be devoted to additions recommended by the Piers and Roads Commissioners as calculated to secure the full utility of the works already executed by them; and £1,200 will be spent on a new road to complete the coast communication between Galway and Clifden. I may take this opportunity of saying that with regard to the whole question of the appropriation of the £50,000 to be devoted to works of public utility in Ireland, and principally to arterial drainage as the most urgent, the Government will gladly learn the views of hon. Members from Ireland. If the hon. Member for the City of Cork (Mr. Parnell) will appoint some Members representing the views of his Party to confer with the Chief Secretary and myself on the subject, the Government will give the most attentive consideration to any suggestions they may offer.

Mr. T. M. HEALY (Longford, N.) asked if an opportunity would be given for discussing the question of the allocation of this £50,000. On what day would the vote be taken?

Mr. GOSCHEN said, the allocation of the money would be taken in the form of Estimates, so that hon. Members would have ample opportunity for discussing the different items.

Mr. T. M. HEALY: And would the right hon. Gentleman the Irish Secretary confer with the associates of assassins?

[No reply.]

EVICTIONS (IRELAND) — ALLEGED OUTRAGE BY A MEMBER OF THE ROYAL IRISH CONSTABULARY.

Mr. CONYBEARE (Cornwall, Camborne) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has inquired into the facts described in the following paragraph from *The Pall Mall Gazette* of the 9th instant:—

> "It is true Pat Walsh's mother of 80 was bludgeoned in his house, as she sat in her chair, by a member of the Royal Irish Constabulary, who formed one of the volunteer storming party, and she has at this moment the marks of his baton in the shape of a bad black eye;"

and, whether the above statements are accurate; and, if so, whether he will take immediate steps to punish the conduct of the constable in question, and to prevent similar occurrences in future?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, as the Question was only put on the Paper the previous night, he had not yet been able to make the inquiries which were necessary before an answer could be given.

Mr. CONYBEARE asked, if the Question were postponed, would the right hon. and gallant Gentleman or his superior officer be able to answer it?

Colonel KING-HARMAN said they would.

ROYAL IRISH CONSTABULARY—PROMOTION OF SERGEANT MAGEE (BELFAST).

Mr. H. CAMPBELL (Fermanagh, S.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Sergeant John Thomas Magee, R.I.C., of Ballynafeigh, Belfast, has been promoted to the rank of Head Constable; was he on several occasions convicted of drunkenness; did he, while under cross-examination, admit that he had been four times convicted of drunkenness; and, how many convictions are recorded against him since he joined the Constabulary?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, Sergeant Magee had not yet been promoted, but he had passed the necessary examination. It was quite true that during his constabulary career Sergeant Magee had been fined four times for drunkenness. The last occasion was as far back as 17 years ago. This, with the exception of two minor offences, which, by the Constabulary Regulations, did not count as records, were the only convictions against the man.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—THE BRITISH-INDIAN VOLUNTEERS.

Sir RICHARD TEMPLE (Worcester, Evesham) asked the Under Secretary of State for India, Whether provision will be made for some representatives of the several Corps of British-Indian Volunteers at the Jubilee Celebration in Westminster Abbey?

The UNDER SECRETARY of STATE (Sir John Gorst) (Chatham): Yes. The Secretary of State is endeavouring to make the selection for the limited space at his disposal as representative as possible; but as the list is not yet complete I am afraid I can give no positive pledge to the hon. Member.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—THE SEATS OUTSIDE ON PUBLIC GROUND.

Mr. PULESTON (Devonport) asked the First Commissioner of Works, Whether he can have seats in the enclosure of St. Stephen's Square put up for the families and friends of Members of this

House to see the procession on the 21st?

THE FIRST COMMISSIONER (Mr. PLUNKET) (Dublin University): I hope to be able to put up two platforms, one in each of the garden spaces outside of Palace Yard, which spaces are the property of the Government. The smaller will contain about 600 places, and will provide for the Colonial and Indian visitors for whom seats cannot be found in the Abbey. The other platform, having two fronts to the procession, will be larger, and on it I hope I shall be able to find about 1,000 seats for Members and their friends at 10*s.* for each seat. ["Oh, oh!" *laughter, and* "Hear, hear!"] Well, no Member will be under any obligation to take a seat. The platforms will be covered in. I cannot bind myself yet to these exact figures, and I hope to be able to give a fuller explanation on next Monday as to the method of obtaining tickets and other particulars. I have made these proposals to meet what I believe to be wishes very generally entertained, and I hope that I may consider that I shall have the approval of the House in carrying them out.

MR. W. LOWTHER (Westmoreland, Appleby): Will this charge of 10*s.* per head include refreshments?

MR. T. M. HEALY (Longford, N.): Will the right hon. Gentleman give an abatement if a quantity are taken?

[No reply.]

ROYAL GRANTS—THE SELECT COMMITTEE.

MR. E. ROBERTSON (Dundee) asked the First Lord of the Treasury, When the Select Committee on Royal Grants will be appointed?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, the pressure of Public Business had been such that he had not seen his way to the appointment of the Select Committee on Royal Grants, regarding which he had in some degree pledged himself at the beginning of the Session. He was afraid he must ask the hon. Member to allow a further postponement.

PUBLIC BUSINESS — ARRANGEMENT OF BUSINESS — COAL MINES, &c. REGULATION BILL.

MR. MASON (Lanark, Mid) asked, Whether the First Lord of the Treasury could now state when the Coal Mines, &c., Regulation Bill would be proceeded with, and at what hour?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster), in reply, said, he was not able to say positively; but he hoped the Bill would be taken on Monday, the 20th, about 10 o'clock in the evening, or as near that hour as possible, consistent with the Business that might precede it.

MR. F. S. POWELL (Wigan) inquired, whether the right hon. Gentleman intended only to take the first stage of the Bill?

MR. W. H. SMITH said, he hoped it would be possible to take the Committee on that day. He presumed it would be the desire of the House to go through with the Committee if possible.

MR. BURT (Morpeth) said, that he understood that a discussion was to take place on the Motion that the Speaker leave the Chair, and that the House should not go into Committee till the next occasion.

MR. W. H. SMITH understood that there was a strong wish on the part of hon. Members to proceed with the measure itself, and not only to have a discussion upon it. Of course, it was for the House to say, when in Committee, whether they were to make progress with the measure or not.

MOTIONS.

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BUSINESS OF THE HOUSE (PROCEDURE ON THE CRIMINAL LAW AMENDMENT (IRELAND) BILL).

RESOLUTION.

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster), in rising to move the following Resolution:—

"That, at Ten o'clock p.m. on Friday, the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair. He shall next proceed and successively put forthwith the Questions, That any Clause then under consideration, and each remaining Clause in the Bill, stand part of the Bill, unless Progress be moved as hereinafter provided. After the Clauses are disposed of he shall forthwith report the Bill, as amended, to the House. From and after the passing of this Order, no Motion, That the Chairman do leave the Chair, or do report Progress, shall be allowed unless moved by one of the Members in charge of the Bill, and the Question on such Motion shall be put forthwith. If Progress be reported on the 17th June, the Chairman shall put this Order in force in any subsequent sitting of the Committee,"

said: Sir, in submitting the Motion which stands in my name, I wish to be most distinctly understood that I desire to avoid any reference to any topic which can by any means create irritation or annoyance to hon. Gentlemen who have a perfect right to differ from me and from the Government in the view which they take of their duty under the circumstances in which the House is placed. But I desire to place before the House the course which the Government feel to be absolutely essential in the interests of the honour and dignity of Parliament and the duties which are imposed upon the Members of the House of Commons. Sir, I have undertaken this task with the greatest possible reluctance. There is no one in this House who is more unwilling than I am to place any restraint whatever upon the exercise of the liberty of speech, of the right of debate, and the full Privilege of the Members of the House of Commons. Since I have had the honour of being a Member of this House, I have always deprecated any attempt whatever to restrain those liberties and rights of debate. It has only been when the necessity has been absolutely imperative and irresistible that I have concurred in, or that I have proposed measures which have placed any restraint whatever upon Members of the House of Commons. We had hoped that it would be possible to avoid the course which Her Majesty's Government now feel it necessary—which Her Majesty's Government now feel it their duty—to ask the House of Commons to adopt. We had hoped that the counsel that has been offered by right hon. Gentlemen on the Front Opposition Bench would have been accepted by hon. Gentlemen who, conscientiously no doubt, have opposed the measure which the Government thought it their duty to propose to the House of Commons. We had hoped that reflection and consideration would have induced hon. Gentlemen to accept the suggestion that points of principle and points of importance might receive the consideration of the Commitee of this House, and that mere matters of detail—mere matters which, in the judgment of those who have opposed them at least, have appeared to be of absolutely trivial importance—might be passed over, and might be allowed to receive only that very limited consideration which their importance deserves; but I am sure that anyone who has sat in this House during the last week must have felt that there was no longer any hope that those wise counsels offered from the Front Opposition Bench would be accepted and acted upon by hon. Gentlemen below the Gangway. Then, Sir, it becomes our duty, from our point of view, to offer to the House the counsel which we now offer, and to make the proposal which we now make. The period of the Session alone is sufficient to justify, in my humble judgment, the course which the Government are now about to take. We have arrived at the fourth month of the Session and we have practically done nothing except to consider the measure now before the House. Some Votes in supply have been passed, some comparatively unimportant measures have received the consideration of the House in that period, but the whole course of legislation has been stopped other than that which has been proposed in the measure now before the House. The consideration of Votes in Supply has not been given as is usually the case, and the privileges of Members, the rights of Private Members, have been entirely suspended during that period of the Session. These are matters which it is impossible for the Government to ignore, and it is impossible for the Government to be otherwise than deeply concerned at the paralysis of Parliamentary Business, which certainly does not reflect credit upon the House of Commons. I hope it may be understood that I am endeavouring as far as I can to avoid anything like an irritating remark. I am merely stating what appears to be, from my point of view, the facts of the case, and putting them plainly and in an honest and straightforward way before the House, without any desire whatever to enlarge upon them in a manner which hon. Members may suppose is intended to give a colour to them. We arrived, yesterday, Sir, at the 35th day of the consideration of this measure which is now before the House. Thirty-five Parliamentary days—some of them protracted beyond all former experience—have been passed in the consideration of this measure. I have no doubt that hon.

Gentlemen opposite will say that only too little time has been given to the consideration of a measure which they dislike, to which they are opposed on principle, and which they regard as tyrannical and unnecessary. That may be the case from their point of view; but the majority of the House and the Government of the day have also their duty to discharge. They have thought it their duty to propose to Parliament a measure which they believe to be necessary for the restoration of law and order—for the preservation of law and order in Ireland. That is their belief, and as a Government and as a majority they are bound to press it forward to the utmost of their ability, with due consideration for the rights of the minority, with due consideration for the authority of Parliament, with due consideration for the traditions of Parliament, and, above all, with the greatest possible consideration for those glorious traditions of liberty and freedom which belong to an institution of which, hitherto, Englishmen have been proud. But, Sir, if it is the duty from the point of view of Her Majesty's Government to press forward this measure; if it is the duty of Her Majesty's Government to care also for the transaction of the Business of the country in this House, it is undoubtedly their duty, when they find that they are faced by a condition of circumstances absolutely unparalleled in the history of Parliament, to place the case before Parliament itself and to demand from Parliament that relief—not for themselves, but for the House of Commons itself and for the Business of the country, and those trusts which are confided to the House of Commons—I say, Sir, it is their duty to demand from Parliament that relief which they believe to be essential and absolutely necessary. I have no doubt that I shall be told that there is no exact precedent for the course I am about to take. I am aware that there is no exact precedent. The precedents of 1881 and 1882 are analogous, but they are not exact. In 1881, late at night—in fact, it was the last Business of the House—a Notice was given that at 3 o'clock the next day a Motion would be made that the Bill itself should be reported to the House. On this occasion we have adopted a different course. The circumstances are not precisely the same. A much longer period has elapsed since the measure which is now before the House was introduced—a very much longer period. We are four months later in the Session than was the case in the instance to which I have referred. We have laboured on through 35 days of Parliamentary endurance with this measure. We have laboured on, and now it becomes our duty to consider what course shall be taken. We think it right to ask, Sir, that the House shall now—having six Parliamentary days between this and Friday, the 17th of June—order that on the 17th of June, allowing the whole of the interval for the consideration in Committee of the measure before the House, that the Bill shall be then reported to the House. I daresay I shall be told that the course I recommend is one which may seriously interfere with the privileges and the duties of hon. Members who object to this measure. We have to consider how the Business of Parliament is to be carried on. We have to consider the relative importance of the Business of Parliament, and we leave it to hon. Gentlemen who take an interest in the Bill to adopt the advice given to them by right hon. Gentlemen opposite, and to object to any question of principle to which they may reasonably object in the course of the next five days, which, I humbly venture to think, will afford ample time for the consideration and decision of principle, if not more than ample time, and then to acquiesce in the course the Government think it their duty to propose. What, Sir, is the alternative open to Her Majesty's Government? The alternative, we are told, is that of capitulation—that the majority in this House, and, as we believe, the majority in the country, should yield their sense of obligation, their sense of responsibility, their sense of and duty to the obstruction of the minority in this House. [*Home Rule cries of* "Order!"] I appeal to you, Sir, if I am out of Order in any way. It is for the Speaker, I apprehend, to call me to Order.

MR. PARNELL (Cork): Mr. Speaker, I rise to Order. I wish to know whether the right hon. Gentleman the First Lord of the Treasury is entitled to impute a Parliamentary offence, which obstruction has been repeatedly declared to be, to a minority of this House, and that without making any attempt whatever to substantiate the charge?

Mr. SPEAKER: The term "obstruction" has been repeatedly used in this House without the Chair calling the Members using it to Order.

Mr. W. H. SMITH: Mr. Speaker, I regret if I have occasioned the hon. Member for Cork any sense of pain by the charge which I have thought it my right to prefer against a minority in this House. I find that 35 days have been occupied by the consideration of this measure, and that 15 days in Committee have been employed in discussing Amendments, many of which must be admitted to be merely trivial; but I am sure, if I refer again to the fact that 15 days in Committee have been consumed in discussions, many of which must be pronounced to be purely trivial, then I think that the language which I used was fully justified. As I said, it is impossible for a majority of this House and for the Government, sustained by the great majority, I believe, of the people of this country, to yield to the obstruction of a minority in this House, especially when a portion of that minority refuses absolutely to follow the advice which has been tendered to it even by the hon. Member for Cork (Mr. Parnell) himself. The power is placed in the hands of the majority, and power involves responsibility and duty. It is our duty to see that the administration of this country, the conduct of Business in the House of Commons, the interests which are confided to the charge of the Government and the House of Commons, are not paralyzed by the action of those to whom we desire to give full liberty consistently with the traditions of the House of Commons itself, but who have no right to tyrannize over the great majority of the House. We have been patient and enduring. The resolve which we are obliged to take must prevail. There is an alternative which is open to the Members of the House of Commons, and that alternative is to displace the Government of the country, if they can, by an adverse vote of the House of Commons itself. They can, if they think right, appeal to the public out of doors, but while we are sustained by a majority in the House of Commons and by public opinion, we must carry on the Business of the country to the best of our ability, and according to our sense of public duty and right. Sir, it is impossible to deny that our recent proceedings have been really a farce and a travesty of Parliamentary discussion. The right of speech which exists is always subject to loyalty to Parliament and to the institution itself. It is subject to the duties to be discharged by Parliament; and we ask hon. Gentlemen, as was asked by the right hon. Member for Mid Lothian (Mr. W. E. Gladstone) five years ago, what would become of Parliament if only a few hon. Members chose to exercise their privileges according to their own excessive views of their right to do so? How would it be possible for any Business of any kind to be transacted, and how long would Parliament continue to possess the confidence of the country, and be worthy to merit the belief which has prevailed in past generations of its capacity to deal with the vast interests committed to its care? The period through which we have passed has been a period of pain, of embarrassment, and discredit, and of strain to Members themsevles. What has been the result? The result has been to bring about ridicule, and disgrace, and contempt of the institution of Parliament itself. It may not be an objection on the part of some hon. Gentlemen that that result has been obtained by their exertions, but we should be wanting in our duty if we failed to take notice of it, and if we did not endeavour to remedy the evil. The public interest demands a present effort. It is not an individual question, it is not a question either for Her Majesty's Government itself, it is not one for hon. Gentlemen who sit in the House night after night till 2 or 3 o'clock in the morning—but it is a question for the House of Commons and for Parliament and for the institution whose honour and whose dignity we are bound to endeavour to preserve. The hon. Member for Cork objects to my use of the word "obstruction." Perhaps I may be allowed to quote a remark which fell from the right hon. Gentleman the Member for Mid Lothian in 1881. The right hon. Gentleman then remarked that obstruction might be so pitted against Business that no Business could be done. We know that it may be so. Is that the aim and object of hon. Gentlemen? Is that their purpose and resolve? The interval which we propose for the further consideration of this measure is, in our judgment, adequate and sufficient for any discussion which can, under the circumstances, be deemed necessary. We aim at restoring the efficiency and capacity of the House of Commons itself in the discharge of its duties, and at preventing the degradation and destruction of the authority of Parliament; and of vindicating the honour and ability of Parliament itself to discharge the duties which are entrusted to it. I now venture, without further preface, to move the Resolution which is placed in your hands.

Motion made, and Question proposed,

"That, at Ten o'clock p.m. on Friday the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the Whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair. He shall next proceed and successively put forthwith the Questions, That any Clause then under consideration, and each remaining Clause in the Bill, stand part of the Bill, unless Progress be moved as hereinafter provided. After the Clauses are disposed of he shall forthwith report the Bill, as amended, to the House.

"From and after the passing of this Order, no Motion, That the Chairman do leave the Chair, or do report Progress, shall be allowed unless moved by one of the Members in charge of the Bill, and the Question on such Motion shall be put forthwith.

"If Progress be reported on the 17th June, the Chairman shall put this Order in force in any subsequent sitting of the Committee."—(*Mr. William Henry Smith.*)

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I was glad, Sir, to hear the right hon. Gentleman began his speech by the assurance that he intended studiously to abstain from what may be called polemical remarks. That was not his phrase, but I think it conveys the meaning which he conveyed to the House. I was glad of it, if for no other reason, for this reason—that that, I think, is the course most conducive to the purpose he has in view—namely, expediting the progress of this Bill and shortening the debate by the particular Motion now before the House. Now, the right hon. Gentleman honestly, I think, persevered in a good portion of his speech in a tone which fully corresponded with that initiatory remark. I cannot say I think he was equally fortunate or equally consistent in some of the closing remarks of his speech. It was quite right that the right hon. Gentleman, believing it, as no doubt he does, should say that he was acting in conformity with the sense not only of a majority of the House, but of a large majority of the country. But surely it was not quite necessary for him, if he was thinking of keeping this debate within very limited bounds, to repeat that three or four times in a quarter of an hour. I was still more, I own, affected by regret at another observation twice repeated by the right hon. Gentleman. I will not say a word, after what has fallen from the Chair on the subject of the right of any Member of the House to charge a Party in the House with a Parliamentary offence—a distinct offence against the Rules of Parliament—namely, obstruction. But I think the right hon. Gentleman himself will agree with me that to charge such an offence against the minority in the House is not the way to induce that minority to abstain from a liberal use of its privilege of speech on that particular question which is submitted to its notice. However, Sir, in what I have to say I will certainly not endeavour to widen the field of this debate, but I will confine myself strictly to what I think is the most practical view of the matter before us. In the first place, I am bound to express my concurrence—though I was not in the House at the time when my right hon. Friend the Member for Newcastle-upon-Tyne (Mr. John Morley) made it—in the application made by him for a longer notice of the intentions of Her Majesty's Government. The right hon. Gentleman has sustained himself on this point by referring to a Notice given by myself, I believe in the year 1881, of an intention to make what may be called an expediting Motion on the following day. Yes, Sir, but that was after a very important preliminary Motion which had been made, which introduced an entirely new and exceptional state of things—namely, a preliminary Motion that the state of Public Business was urgent; and after the House had declared that the state of Public Business was urgent, then with the Notice of a single Sitting I did announce the intention of the Government to make a demand in some degree analogous to this. But the right hon. Gentleman will observe that it is a totally different matter to make that allowance of a few hours after a declaration by the House of Commons itself of Urgency for Public Business, and to make it when no such declaration has been made. I think my right hon. Friend was entirely justified in making his application, and I am sorry it did not meet with a happier reception on the part of Her Majesty's Government. Now, Sir, this Motion involves a great number of details, but I do not mean to enter into any controversial consideration of them. Still, I will venture on one observation, simply because I have no intention to follow it up by any appeal to the judgment of the House in defiance of the Government, but I wish rather to tender it as a friendly suggestion. I cannot help observing the introduction—— I am sorry to ask the particular attention of the First Lord of the Treasury—who was conferring with some of his Colleagues—though I know that these communications are very necessary in all circumstances, and not less in these particular circumstances. I refer now, Sir, to the second of the three paragraphs in the Motion. That, as far as I am aware, is an absolute and unmitigated novelty. It is an innovation which I view with extreme jealousy, and I am very much afraid of its being used hereafter as a precedent for some further invasion of the Rules of the House. If I were not under the conscientious belief that the Motion for introducing the present paragraph is totally unnecessary—the motive is to prevent that waste of time which is not infrequent in the recollection of most of us—I should not occupy the time of the House. But surely the security against this in the present instance is perfect, because if those of whom it is apprehended they will move to report Progress waste time in that way, they will limit still further the already limited space which the House will concede to them for substantial and solid Amendments. I hope the Government are ready to consider whether there is any necessity for that second paragraph, assuming for the moment the general purpose of the Resolution is to be accepted by the House. This Resolution is one, no doubt, that might be held to justify a long review of the state of affairs, and of the arrangement of Business during the Session. I have no intention of using the present occasion for such a purpose. I think it right to reserve that title which every Member possesses to make such a review, possibly on a future day, but, in my opinion, it is a subject which the House and the country ought well to understand, and which is fruitful of many reflections. But, undoubtedly, to enter upon it now would be the very last thing which I would wish to do—namely, to retard the progress of the Bill in Committee. There are two things in point of fact in which I agree with the right hon. Gentleman —namely, that it is most important to get forward with the present Bill, and for this reason, if for no other, we should have a proper opportunity within the limits of an ordinary Session to consider some matters of great weight which will have to be submitted to us in connection with the Irish Land Bill. The consideration of these matters postponed to a very late period of the Session, would, I think, be in the nature of a public calamity. Nor can I hesitate to subscribe to what the right hon. Gentleman has said with regard to the present state of the business considered as a whole. The state of the proceedings of the House in respect of Supply, even if it turned on that point alone, is in itself a scandal. The whole condition of Public Business, the entire paralysis of Parliament—the rate of progress of the present Bill, I think the right hon. Gentleman said, had given rise to very strong feelings in the country. I am not sure whether the right hon. Gentleman did not speak of displeasure and even of contempt. But, undoubtedly, it has created widespread and extreme dissatisfaction. Here I am afraid that whatever concord I have with the right hon. Gentleman is exhausted. As to the position with which we stand I agree, I think that the country is dissatisfied, and think it has a right to be dissatisfied. When the right hon. Gentleman and I speak of the country I am not sure that we quite mean the same thing. When I speak of the country I mean either those who are neutral in politics or those who are opposed to the Irish policy of the Government. When the right hon. Gentleman speaks of the country he speaks in the names of those who are friendly to the Irish policy of the Government, who he thinks are entitled to a great deal of consideration in the present state of things, which I cannot admit they do possess. I am bound to say, in my opinion, it is the conduct of the Government that has brought about this state of things. That would be a matter of consideration in detail hereafter, but I will say in four lines why I think it is the conduct of the Government. In the first place, it is that they have been pursuing a false and evil policy of coercion without the justification which, as I shall show on another occasion in detail, has been pleaded at the time of former demands. Then they have, in my opinion, disregarded all the usages and traditions of Parliament in the conduct of Business. They have, worst of all, under the name of a Crimes Bill, introduced a Bill which is against combination, apart from crime; and finally they have made arrangements for carrying forward and working the Bill totally without precedent in my experience, and which, in my opinion, have been most unfortunate with regard to its progress. ["Hear, hear!"] I thank right hon. Gentlemen opposite for having sufficient patience to hear me in delivering these obnoxious sentences, but I will give them the best reward I can in not saying one word on the present occasion in justification of any one of them. Looking at the wide scope and reach of the principles involved in this Bill, especially considered as a permanent alteration of the Criminal Code in Ireland, I am at a loss to know, looking at a great number of days occupied in the discussion, how the right hon. Gentleman can attribute, in the main, that number of days to what he calls obstruction. The right hon. Gentleman said there have been 35 days so occupied. Well, I think we had 58 days on the Irish Land Bill without the continuous possession of the time of the House. I think we had 24 days in Committee on the Crimes Bill in 1882, when the House was divided not as it is now, as between a considerable majority and a not inconsiderable minority; but when it was divided between the whole mass of the House on one side, and some 30 or 40 Gentlemen on the other. We felt that of these 24 days the bulk was consumed in obstructive proceedings. In my opinion, so far as I may venture to pronounce either from what I have heard in the House, or what I have learnt from others, it is most unjust and not less absurd than unjust to ascribe to obstruction any large portion of the time consumed. I will not now enter upon the question whether the Government is to be blamed or praised for introducing a new and permanent criminal code for Ireland. I am only saying that when such a thing is done you must reckon with it as a certainty, and accept it as a thing just in itself that long and minute discussion upon such a measure will take place. I do not deny that there may be frivolous discussions, and I will not be tempted to refer to my experience of frivolous discussion. I think I could quote instances without difficulty as to matters of controversy which would render it extremely hard for Gentlemen now sitting on the Treasury Bench to press this Motion. Sir, I do not deny that there is a state of Public Business which is extremely grave, and, in my opinion, the right hon. Gentleman when he leaves that groundwork of the present state of Public Business for the purpose of going into charges of obstruction abandons a strong ground for the sake of a weak one. With the exception of the limited obstruction which always will occur in debate on a great Bill hotly contested, I doubt whether one, two, or three days have been consumed in this way. The main thing lies in the nature of the measure and the arrangements made by the Government for carrying it forward. That being so, the right hon. Gentleman confronts us in this way. He says—"Look at the period of the Session, look at the labours we have undergone." Neither of these statements will I contest for one moment. The period of the Session is advanced; the labours we have undergone have been most severe. I have ventured to point out what it appears to me would be the reasonable mode of expediting the Bill. But I have not been fortunate enough to obtain any countenance at all from Her Majesty's Government; on the contrary, many suggestions I have made have been described by the right hon. Gentleman as giving way to tyranny of the minority. [MR. W. H. SMITH: No, no.] I should not have found fault with him if it had been. In my opinion there is a rational mode of expediting this Bill—which I admit to be an object of great public importance—that is, to take such measures as these:—To make the Bill temporary instead of permanent; to strike out of the Bill what touches combination apart from crime; and to give the Irish tenant and cottier population the same protection in respect of their land strikes which you give to the English artizan in respect of his labour strikes. But we knew that the right hon. Gentleman opposite gives no countenance or encouragement whatever to that method of procedure. He says that the large majority of the House is against it. I connot deny it. He thinks the vast majority of the country is against it, and that is an opinion which, of course, he is perfectly entitled to entertain. Therefore, our mode of expedition is thrown out altogether. The right hon. Gentleman proposes his mode. I am bound to say that in those circumstances I know there is a point at which the action of the minority, and especially anything like the collective action of the minority, against the will of the majority becomes itself open to the charge of obstruction. I cannot be surprised at the judgment or opinion of any Gentleman on this Bench, or this side of the House, who may say—"This is another violence added to a long series of violences, and we will not let it pass without debate." I am not prepared to advise the minority as a body, and I am not prepared myself personally to relieve Her Majesty's Government of any of the responsibility attaching to this Bill. Let them make what they can of the undoubted state of the facts—the confusion, perplexity, stoppage of business, and dissatisfaction, if not indignation, of the country. The only course which I can properly take is to assert that we have from this Bench steadily, and without regard to the reproach of obstruction—but, as I think, with absolute innocence of any intention or action in that sense—we have steadily resisted, and in the time allowed by the right hon. Gentleman shall continue to resist, the most objectionable portions of this Bill. With respect to the proposal made by the right hon. Gentleman, I cannot deny that he has a great deal to urge in its support from his point of view; but his point of view is one which he has made for himself, and for that point of view, and the resulting proposal, he will not think it unfair in me to say that he and his Colleagues must bear the absolute and entire responsibility. The proceedings of this Session, more than those of any other Session I can remember, sum themselves up under one great head, which is capable of being considered and discussed both by Parliament and the country. I think it would be idle—it might even with some plausibility be called factious—to dwell upon details when principles of such breadth are in view; but I cannot find fault with Gentleman who think it right to record their protest against this further abridgment of Parliamentary liberty. For my own part, however, having only one remedy to propose, and that remedy having been rejected by the majority of the House, I do not wish to create fresh difficulty on the present occasion by offering to the proposal of the right hon. Gentleman an opposition which cannot be effectual, for the many occasions on which the majority of this House has recorded its opinion has left me no doubt as to the course they will now take under the circumstances.

Mr. PARNELL (Cork): Sir, I desire to make a preliminary remark before moving the Amendment, which I intend to propose later on, to the Motion of the right hon. Gentleman the First Lord of the Treasury. It is a word of warning to minorities in this House that this Resolution, coming, as it does, so soon after the exhaustive discussion upon the Closure Rule just recently passed by this House, and aiming, as it does, against one of the safeguards which was introduced into that Rule—namely, the action and the veto of the Chair, as the result of the judgment of all sides of the House that some such safeguard was necessary, will undoubtedly lead to the adoption by the House hereafter of some permanent Closure Rule framed on the lines of the present Resolution, to deprive the House of the safeguards to minorities which the present Closure Rule supplies. Just as the original Closure Rule adopted in 1882 was made easy by the Urgency Resolution of 1881, so the adoption of a more stringent Closure Rule than the present one will be made easy by this Resolution now before the House, if it be adopted. I cannot imagine the fatuity which possesses hon. Gentlemen opposite in rushing blindfold into the pit to which the right hon. Gentleman their Leader is conducting them. I fear it is a case of the blind leading the blind—of incapacity leading the incapable. But however that may be, this is not the proper time to discuss a Resolution aimed at the safeguard—the protection of the Chair, which was deliberately thrown over minorities when we were considering the first Closure Rule lately before the House. The Chair during the discussions in Committee on this Bill has repeatedly felt called upon to check the headlong speed and impetuosity of the right hon. Gentleman the Leader of the House. The right hon. Gentleman over and over again asked the House to clôture Resolutions and Amendments, and he has been vetoed in the request by the Chairman, in virtue of the power and trust which were vested in him by the first Closure Resolution for the protection of minorities and the freedom of debate. Now, Sir, it is to prevent that action of the Chair, it is to destroy that action, it is to cut away the safeguard, the power, the right of the Chair to protect minorities, that the right hon. Gentleman now asks the House to adopt this Resolution. There is no safeguard of any kind in this Resolution. Parliamentary discussion, under the circumstances of this Resolution, will become a mockery, and if it be adopted it will, in my judgment, constitute a grave reflection upon the past action of the Chair, which it repeatedly exercised in protecting minorities and the freedom of debate, and in rebuking the intemperate zeal of the Leader of the House. Sir, we have heard nothing at all from the Government about the rights of minorities, or the freedom of debate. They have permitted all that to go by the board, and there will be but a pretence of debate in the future. The right hon. Gentleman talked about obstruction. The right hon. Gentleman I believe to be his own obstructor. I have no notion or belief that the right hon. Gentleman really desires to advance the Business of the nation. How can the Business of the nation be advanced under household suffrage, by a Tory Party leaning upon a broken-reed crutch? Progress in the Business of the nation we ardently desire. Obstruction was defined by a late Chairman of Committees, the present Postmaster General, as "obstruction of all Business." What Business have we opposed? We have opposed a measure of the most iniquitous character—one single measure; a measure designed to deprive the Irish people permanently of all power of right to agitate for changes in the laws and for redress of grievances; a measure which is admitted to be designed for that purpose, and not for the detection of crime; a measure which will make agitation for the redress of grievances impossible—utterly impossible; and a measure which is intended to do these things for ever and for ever. Yet we are told that we are obstructing the general Business of the nation, when the fact is, we have lifted neither hand, voice, nor pen against any single measure except this one measure. We invite, we urgently entreat the Government—we have done so over and over again—to go to the Business of the nation, to proceed to the Business of the nation. If they will not undertake to prevent the horrors of Glenbeigh and the infamies of Bodyke—let them protect their own English and Welsh working men. Let them do something, even suppose it does make coal a shilling in the ton dearer, let them do something to prevent those terrible explosions in the depths of the coal mines in this country. That would be a part of the Business of the nation, in which we would cordially help and assist. Let them do some of the many other things which the nation understands and expects the Tory Government to do, and which the nation certainly were assured at the last General Election that this House would have done. But this cry of obstruction is not a real and genuine cry. It is not raised by men who have in their hearts a desire to advance the public interests of the nation, and to expedite the progress of reform. It is raised by a Party who, at all times in the history of Parliamentary Government, have been studying how they could best impede and prevent the progress of legislation—a Party who, when in a position and when in power, have recourse to every subterfuge and every dodge for the purpose of whittling away the time and diverting the attention of the country from the subject of the redress of grievances. No, Sir, let us go to the Business of the nation, and it will be found we are not the real obstructors, and that the obstructors sit upon the opposite Bench. No, Sir; we ask but for our right to debate the measure—to discuss the details of this measure of the right hon. Gentleman the First Lord of the Treasury. But the right hon. Gentleman is not yet the autocrat or dictator of the House of Commons; and so long as we can prevent him from occupying that position, we shall endeavour to do so. The right hon. Gentleman has not shown that judgment in the conduct of the Business of the House, that desire to give fair play, that desire to carry out his pledged word in the discussions on the first Resolution of clôture, to induce us to surrender ourselves, and the rights of our country, bound hand and foot, to his tender mercies. I have no desire to obstruct public Business—I have no desire even to obstruct this miserable, this wretched Bill; and I assert that the real obstructors are the Party who have always been the obstructors of progress, who have brought forward this Coercion Bill at a time when Ireland is more free from crime than she has ever been, at a time when the measure was least wanting, for the purpose—for the absolute purpose—of occupying the time of the House of Commons, and of diverting the attention of the country from its more legitimate aims and objects; and it is for this also that this cry of obstruction has been got up against the Irish Members, and this cry of destruction against the Irish people. I propose to move, as an Amendment to the Resolution of the right hon. Gentleman, to leave out all the words after the word "that," in order to add the following words:—

> "Inasmuch as the Criminal Law Amendment (Ireland) Bill is designed to deprive the Irish people permanently of their constitutional rights, this House declines to sanction the proposal of Her Majesty's Government to deprive the Chair during the discussions in Committee on the said Bill of the power which, since the opening of these discussions the Chair has felt called upon repeatedly to exercise, in opposition to Her Majesty's Government, for the protection of freedom of debate in this House, and the maintenance of the rights of minorities."

I expressed the opinion formerly, during the discussion of the first Procedure Rules, that the time that would be gained by the adoption of that Rule would not make up for the loss of time in discussing it. I ask the Government, if the views which are embodied in this present Resolution are their views as to the rights of Irish Members in opposing and discussing the Coercion Bill directed against Ireland, why did they not come forward with this proposition at the beginning of the Session? They would have saved all the time which they have occupied in the discussion of the first Procedure Rule—a Rule which they now admit to be useless, because the Chairman of Committees will not allow them to use it in the way they would wish; they would have saved all that time, and they would have passed this Resolution probably sooner than the Closure Rule which is now being found to be useless. Why did they delay not only over the first Closure Resolution, but also over all the subsequent proceedings which the right hon. Gentleman erroneously told the House lasted 35 days? It would have saved all those days if so much time had not been taken up with those proceedings. Why did he not go to work then — 35 working days ago—where he is going to work now? Surely neither he nor the Government could have supposed that a measure of this kind, designed permanently to set up Criminal Law of an exceptional character in Ireland, could be passed in a few days. Surely he could not have supposed that it would have taken less time than the Land Law (Ireland) Bill of 1881, which took 58 days altogether and 33 nights in Committee before it got through its different stages. Surely, if a measure for the amelioration of Ireland took so long a time as that to pass, a measure for the coercion of Ireland was entitled to an equal length of time for discussion. And why are we to be accused of obstruction when less than 30 days have been spent over this Coer-Bill as compared with 58 days which were spent by the Tory Opposition of 1881 over the Land Law Bill of that year? Why, Sir, does not the House remember that the Bill for the Amendment of the Criminal Law in England and Ireland—which was brought forward by the late Liberal Government, in 1885 I think it was—was sent before a Grand Committee, and took the whole Session to discuss before that Grand Committee; and not only so, but before the discussion was more than one-third concluded—I myself was a Member of that Grand Committee, and admired and aided the exertions of the then Tory Opposition—I will not say to prevent the Bill from passing, but to amend it properly before the Bill passed—but before the Bill was one-third over the Government of the day had to abandon it, because even before a Grand Committee, with the whole of the Session at their disposal, there was not time to finish more than one-third of the measure—the amendment of the Criminal Law. Now, Sir, if that was the case with regard to a Bill for the amendment of the Criminal Law, and not directed against any political agitation, or against any political agitators, as this Bill is directed, but for the ordinary Amendments, many of which were most excellent, of the Criminal Law of the three Kingdoms, how can it be said that we have exceeded the limits of our rights—that we have exceeded the limits of moderation in the debate which has taken some 28 or 29 days altogether on the different stages of the present measure? Why, Sir, even the worm will turn, and it would be impossible to suppose or expect that the Irish Members would have submitted to such a measure as this without at least taking up time as they have so far as the measure has got. Now, Sir, the right hon. Gentleman compared his course with the course taken by the late Government, and asks us to believe that his is the more moderate course. What was the case of the course taken by the late Government when they adopted the Rules of Urgency? The Resolution under which the Rules of Urgency were subsequently drafted by the Speaker was first proposed in the House on the 2nd of February, 1881—a whole month after the commencement of the Session, when, if my memory serves me right, a whole fortnight had been taken up in the discussion on the first reading of a Bill only a single clause long—a Bill for the suspension of the Habeas Corpus Act, the provisions of which were mere child's play compared with the present Bill, and which was only to last for 18 months. Now, Sir, a whole fortnight had been taken up on the discussion of the first reading of this Bill, a lengthened Sitting of 48 hours had taken place, and Mr. Speaker Brand had intervened by saying that a small minority had abused the forms of the House, and that it was necessary that it should be checked, and he put an end to the debate on the first reading. Well, then the Government proposed their Resolution of Urgency. Their Resolution of Urgency did not, as the present Resolution proposes to do—it did not frame a rule under which the Chairman is obliged to act, whether he likes or not—whether he thinks it just or not—but it gave power to the Speaker to frame rules under which, after a certain period, it might be possible for a Minister of the Crown to move a Resolution providing that all Amendments then on the Paper should be put to a Division without further discussion; but the Resolution of the right hon. Gentleman goes a great deal further than that. His Resolution provides that there shall be no Division whatever upon any Amendment after a certain day that he mentions—a week from the present time. It was on the 2nd of February that the Resolution of Urgency was first adopted. It was not until the 21st of February, or three weeks afterwards, that this Resolution of Urgency was first put in force—in other words, the very small Opposition of that day was allowed to contest the second reading, and the Committee stage of the Coercion Bill, for three weeks before the power which the Resolution placed in the hands of the Chair was exercised; and it was not until the 24th of February, three days later, that it was put in force for a second time; and, finally, it was not until the 9th of March that it was exercised for a third time. But the right hon. Gentleman proposes, after an interval of only a week, to make a fell swoop on all the Amendments on the Paper, no matter how substantial they may be, no matter how strongly opposed the Chairman of Committees and the Speaker may be to the exercise of his authority. The matter is taken from out the range of the power of the Speaker and the Chairman of Committees, and we are entirely left to the tender mercies of the autocrat of the Treasury Bench, the right hon. Gentleman the First Lord. Now, Sir, I think I have shown that the right hon. Gentleman is not entitled to compare his course of action as regards moderation with the action which was taken by the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) on a previous occasion. On the contrary, he proposes nakedly to deprive a minority—now a very considerable minority—in the House, of all their rights and power of moving Amendments against this Bill, whether or not the Speaker and Chairman of Committees agree—and, practically, set up the most brazen and barefaced tyranny which has ever been attempted in this House since the King entered it for the purpose of seeking out and expelling the Members. But even the Resolution of Urgency was fenced about by a variety of safeguards. The then Leader of the Tory Party (Lord Iddesleigh) as the price of his assent to the Resolution, insisted that there should be a majority of three to one, and that the House should consist of at least 300 Members before it could be enforced. But all these safeguards have been swept away. We now see a Tory Government which, above all, is supposed to be the guardian angel of minorities, the protector of their rights, headed by the right hon. Gentleman the Leader of the Government in this House, rushing forward in hot haste—in such haste that he could not even give us the usual decent 24 hours' Notice required by the usages of the House for the terms of his Resolution, to sweep aside all the safeguards which his own Party had insisted upon at a time of very much greater trial, at a time of far greater provocation than the present time. Now, Sir, I have shown that the circumstances of this Bill are such as to claim from this House greater patience than it would exercise on that or any other Bill. It is an attack—admittedly an attack—upon the rights of Constitutional agiation in Ireland. The Government were offered by the right hon. Gentleman the Member for Mid Lothian that if they would confine the Bill to the repression of crime, and strike out from it those clauses which attack the right of combination and of Constitutional agitation, he, for one, would take no further part as Leader of the Liberal Party in opposing the further progress of the measure. Well, they refused to accept that, and they have gone forward now, relying upon their own strength to trample on the rights of minorities, and carry the Bill by the enactment of a Resolution of the most arbitrary and extraordinary character which has ever been proposed. I have shown already that it is an attack upon the Chairman of Committees. Any power which the right hon. Gentleman the Leader of the Government can claim and can put in force under this Resolution can be put in force under the present closure, unless the Chairman of Committees forbids

it; and the Chairman of Committees is only entitled to forbid it if he considers he is compelled to use the veto out of regard for the rights of the minority. Consequently, the Government, by endeavouring to set aside the Rule, admit that they are proceeding in this matter regardless of the rights of the minority. In conclusion, all I say is this—If this Resolution be passed—if Ireland is to be trampled upon and the rights of minorities destroyed and despised, because it is a mere question of coercing Ireland—you will find some of these days that the rights of minorities in questions concerning England and in which hon. Members opposite may feel deeply concerned, will be trampled upon and despised when there are more vital questions concerning the interests of the Kingdom involved than those who force this upon the House have any thought of at the present time. I beg, Sir, in conclusion, to move the Amendment which I read out a while ago, a copy of which I have handed in at the Table.

Amendment proposed.

To leave out from the first word "That," to the end of the Question, in order to add the words "inasmuch as the Criminal Law Amendment (Ireland) Bill is designed to deprive the Irish people permanently of their constitutional rights, this House declines to sanction the proposal of Her Majesty's Government, to deprive the Chair, during the discussions in Committee on the said Bill, of the power which, since the opening of these discussions, the Chair has felt called upon repeatedly to exercise, in opposition to Her Majesty's Government, for the protection of freedom of debate in this House, and the maintenance of the rights of minorities."—(*Mr. Parnell.*)

Mr. W. H. Smith rose—when——

Mr. PARNELL: Mr. Speaker, cannot the Question be put in such a way as to permit of other Amendments being moved subsequently to the one I have moved?

Mr. SPEAKER: The hon. Member has moved the Amendment in that form —to leave out all the words after the word "that."

Sir WILLIAM HARCOURT (Derby): I beg to point out that if that course be taken no subsequent Amendment can be moved. I would ask you, Sir, whether the Question could not be put in such a form as would not preclude the consideration of other Amendments?

Mr. SPEAKER: That course could only be followed when there were other

Amendments on the Paper; but I will put it in that way, for the convenience of the House, if the House so desires, so that other Amendments may not be excluded.

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): Especially, Sir, as there could be no Amendment on the Paper, as Notice of the Resolution was only given this morning.

SIR WILLIAM HARCOURT: There is one very important feature in this Motion which differs from any other I have seen—namely, that, assuming that when the date for concluding the Committee stage arrive, there were Amendments and even new Clauses on the Paper, which the Government themselves approve of, and are willing to accept, they cannot be put, because the wording of the Resolution is—

> "That any Clause then under consideration, and each remaining Clause in the Bill stand part of the Bill."

MR. SPEAKER: I will put the words down to the word "Chair," in line 5. The Question is, that the words "That, at Ten o'clock p.m., on Friday the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the Whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair," stand part of the Question.

MR. T. P. O'CONNOR (Scotland, Liverpool): Will you allow me to state, Sir, that I intend to propose an Amendment which will begin in the second line, after the words "Criminal Law Amendment (Ireland) Bill," by inserting the words "and other Bills before the House." I should be glad, Sir, if you could see your way to so put the Question as to allow that Amendment to be moved.

MR. SPEAKER: That would not be in Order. The Amendment handed in by the hon. Member for Cork (Mr. Parnell) traverses the principle of the Motion, and if I put the words, as I have stated them, down to the word "Chair," I shall exercise, if possible, the right of hon. Members to introduce other Amendments.

MR. PARNELL: I would respectfully observe, Sir, that the question of the date at which this Resolution is to come into force is one of the most important questions raised in the whole Resolution.

MR. SPEAKER: I am sorry to interrupt the hon. Gentleman, but the hon. Member's Amendment itself excludes that question. It is quite contrary to the usual practice to allow the hon. Gentleman first to move an Amendment, and then to move another traversing the same ground.

MR. PARNELL: I did not suggest, Sir, that I was going to move another Amendment, and, as a matter of fact, I do not intend to move another. I merely pointed out that the question of the date is one of the most important questions involved in the whole Resolution. I would beg to remind you, Sir, that before moving my Amendment, I asked my hon. and learned Friend the Member for North Longford (Mr. T. M. Healy) to ascertain at the Table whether the rights of the Movers of other Amendments which might be handed in subsequently would be saved in the usual way—that is to say, if I were to propose to leave out merely the word "at," the second word in the Motion, and I was informed that the rights of other Members would be saved. I blame myself, Sir, for not having approached you personally in the matter; but I did not desire to trouble you personally, and I therefore asked my hon. and learned Friend to go to the Table and make the inquiry. I have followed the precedents, and I find that the Amendment could not have been put on the Paper—if it had been possible to put it on the Paper at all—in any other way than the way in which I have moved it. It is always by the action of the Chair, and by the action of the Chair alone, that the rights of other Members who have Amendments on the Paper are subsequently saved. The Chair puts an Amendment such as I have moved by moving to leave out any one of the words at the commencement of the Resolution. It was a physical impossibility for Amendments to be on the Paper to-day, as we only heard at 2 o'clock this morning what the words of the Resolution were to be. I would pray you, Sir, to protect the right of the minority in the usual way to move Amendments by putting my Amendment in the way you have put similar Amendments and Resolutions in past times.

Mr. SPEAKER: The hon. Gentleman was informed by the Clerk at the Table that if other Amendments were put in as the hon. Gentleman's Amendment was put in, then I, in the discharge of my duty, should preserve the rights of the hon. Members who intended to move them. But the hon. Gentleman has moved his Amendment in such a way as to exclude the whole of the words of the Resolution. The hon. Member might withdraw his Amendment.

Mr. W. H. SMITH: I venture to hope that an arrangement may be made under which any legitimate Amendment shall be considered by the House. I trust that the hon. Gentleman will be prepared temporarily to withdraw his Amendment, if that be necessary, in order that other hon. Members may have the opportunity of moving the Amendments they desire to bring forward.

Mr. ARTHUR O'CONNOR (Donegal, E.): Mr. Speaker, I desire to state that as soon as practically possible, after I had seen the terms of the Resolution of the First Lord of the Treasury, I considered what Amendments I thought it open to, and I drafted certain Amendments with the intention of putting them in as soon as opportunity was afforded. I have not had the opportunity of placing them on the Paper, and I have not had time to hand them in at the Table. Under these circumstances, I ask you, Sir, to protect my rights as an individual Member. The Amendment of my hon. Friend the Member for Cork (Mr. Parnell) goes to the root of the principle of the Resolution. I propose to move to change the date from the 17th of June to the 24th. Now, Sir, I must ask you to enable me to do so by putting the Question in such a manner as will not shut out that Amendment.

Mr. SPEAKER: It appears to be for the convenience of the House, under the special circumstances of the case, that I should only put the words down to "10 o'clock p.m." I do not think, however, that it ought to be regarded as a precedent. The Question is, that the words down to "10 o'clock p.m." stand part of the Question.

Question proposed, "That the words 'at Ten o'clock p.m.' stand part of the Question."

Mr. W. H. SMITH: I do not think that it would be respectful on my part towards the hon. Gentleman the Mover of the Amendment if I did not say a few words in answer to his arguments. In doing that I shall refrain from commenting upon the speech of the right hon. Member for Mid Lothian (Mr. W. E. Gladstone), who has merely exercised hie legitimate right in reviewing the course which Her Majesty's Government have taken in reference to this matter. I must, however, refer to the assertion of the hon. Member for Cork, that in bringing forward this Motion Her Majesty's Government intended to make an attack upon the power of the Chairman of Committees. The hon. Member is entirely mistaken upon that point. The closure has been put in force 16 times. Once the Chairman of Committees has declined to put the Question on a point of Order; and there were two occasions on which he thought it was his duty not to accept the Motion for immediately putting the Question, that the remainder of the clause under discussion should be added to the Bill, when the remaining Amendments to such clause appeared to Her Majesty's Government to be of a trifling character. The Chairman of Committees on both occasions remarked that there were two or three Amendments standing on the Paper before we reached the particular point of the clause to which I have referred which deserved a certain amount of consideration. After the disposal of those Amendments, in which about an hour or an hour and a-half was consumed, the closure up to the particular point to which I have referred was accepted by the Committee without a Division, and the clauses themselves were passed without Divisions. The object which we had in view was entirely met by the course that the Chairman thought it his duty to pursue, and I have no complaint to make of any difference of opinion between the Chairman and myself. On the second occasion, in an almost precisely similar way, we were involved in the discussion of a number of minor points in which we could not make any substantial progress. I moved that the words down to a certain point should stand part of the Bill, and the Chairman very properly remarked that there were two or three provisions worthy of consideration, and so far as he could see the rest of the Amendments were of a trivial character, and when the important Amendments were disposed of the closure was accepted. On another occasion the Chairman put the Question that the words—that certain words—should stand part of the clause, and the hon. Member for Cork rose and pointed out that, according to the distinct words of the Rule, the condition had not been entirely fulfilled which entitled the closure to be moved. The Chairman then held that I was not in Order in making the Motion; but it was only when the Chairman had had his attention called to the very difficult construction of the Rules, that he thought I was not perfectly in Order in making the Motion I did. Even in the cases where the Chairman had refused my Motion, the object I had in view has been attained. I have no complaint to make of the Chairman, and there is no difference of opinion between the Chairman and myself. I have only referred to the subject in order that any misapprehension which the hon. Member cannot desire to labour under should be removed, so far as I am concerned. The hon. Member charges the Government with being themselves the cause of obstruction. I do think, Sir, that that opinion can only be held by the hon. Member if he takes a very perverted view of the responsibilities and duties which belong to a Government. The duty and responsibility of the Government, from my point of view, are to proceed with any measures they believe to be necessary in the interest of the community at large. It is reasonable that the hon. Member should take an opposite view of what those measures should be. We say that we believe those measures to be of primary importance; he is of a different opinion, and those who agree with him think that they are discharging their duty by preventing the progress of this Bill, and thereby preventing the consideration of other measures by the House. The right hon. Gentleman the Member for Mid Lothian admitted that the condition of Public Business at the present moment is a grave scandal. He admitted that there were questions which deserved and required consideration in this House; and although he probably coincided in the opinion of the hon. Member for Cork as to the incapacity of Her Majesty's Government to do justice to the measures required in the interests of the country, yet he admitted that the condition of Supply and the Business of the country generally warranted the course the Government propose to take with reference to the discussion of this Bill. With reference to the observation that we ought to have taken this course on the first day we entered into the discussion of this Bill, instead of waiting till the 35th day, I may say that the Government thought it their duty to permit the minority to have an ample opportunity of discussing a measure which affects them and their people. But, now, after more than ample opportunity has been afforded for discussion, we think that it is now time to vindicate the authority of Parliament and its reputation in the country, and we accordingly ask the House to make provision for some portion of its time and strength being given to questions which affect the general interest and well-being of the nation.

SIR WILFRID LAWSON (Cumberland, Cockermouth) said, that he rose for the purpose of saying a few words in support of the Amendment of the hon. Member for Cork (Mr. Parnell). He looked upon the Amendment as a Vote of Confidence in the Chairman of Ways and Means, and the proposition brought forward by the First Lord of the Treasury as a Vote of No Confidence. After entrusting the Chairman of Ways and Means with a veto, it was a most extraordinary thing to come and try to take away from him the option of permitting the closure, because he supposed it had not been exercised in the way the majority of the House liked. One of two things must be the case—either the Chairman of Ways and Means was fair or he was unfair. Those who supported the Motion declared that he was unfair. On that side of the House they were satisfied with him. What they said was—"You have got this power of closure; why do you not exercise it and bring it forward to put down the frivolous discussion the right hon. Gentleman talks about?" After a great expenditure of time, the right hon. Gentleman found it necessary to bring forward a Motion to stop all discussion after 10 p.m. next Friday, and he supposed he would carry it, as he carried everything. He did not, however, think the Liberals would suffer much if the Motion were carried. The right hon. Gentleman had talked of the country being with him; how did the right hon. Gentleman know that? He (Sir Wilfrid Lawson) had as good a right to express his opinion about the country as the First Lord of the Treasury had; and his opinion was that the democracy of this country, who were now fortunately enfranchised, would never permanently consent to tyrannize over and oppress the democracy of another country; they would never make Ireland another Poland; they would never see the destruction of the liberty of the Press, or of the right of public meeting. If they were in favour of making Ireland a perpetual Poland, then he said they were a miserable democracy. If they were, then they deserved to have the same measures they were now applying to Ireland applied to themselves, and he hoped that a Tory Government would pluck up courage to apply the same measures to this country. He did not believe that the right hon. Gentleman was right in his views as to the opinion of the country. The right hon. Gentleman had had several messages from the country. Had he not during the last few months heard from Burnley, from Ilkeston, and from St. Austell? [*Loud Ministerial cheers.*] He admired the Tory Party, though he had never seen hon. Gentlemen so pleased at being beaten before. They had, also, heard from Liverpool, and he wished the Chancellor of the Exchequer (Mr. Goschen) had been present that he might have reminded him of it. He considered, therefore, he was justified in saying that the Government occupied their present position by no valid title whatever, and that he and his Friends were entitled to do all that they could to get an appeal to the country to see whether it supported Her Majesty's Government or not. The Government had only three supporters; one was an argumentative support, and the other two were physical. The first was that all the Irish Members were assassins and murderers, and consequently it was of the utmost importance that they should be retained in the House. That was the great argument in the Tory papers. Then the right hon. Gentleman's argument was that they were all obstructives on that side of the House, and spent all their time in blocking Business and preventing a vast number of most valuable Bills, such as no one had ever heard of before from a Tory Government, being brought forward. Did the right hon. Gentleman think that the country believed that? How many hon. Gentlemen on the other side of the House declared at the last General Election in their addresses that they were entering Parliament to promote coercion? The third support of the Government was their crutches, the Liberal Unionists, whom he looked upon as worse than any Tories they had had during the present generation. He had, however, the comfort of knowing that their day was short. They dared not appeal to the country, any more than the First Lord of the Treasury dared, notwithstanding his brave words about the country being with him. Whatever might come of this Motion there was one bright spot, and that was that if the House were compelled to forge a weapon to be used by right hon. Gentlemen opposite in promoting tyranny and oppression, that weapon would remain as precedent; and in the days that were to come, and that were certain to come sooner or later—sooner, he hoped, rather than later—they on the Opposition Bench would apply that weapon to a far nobler purpose. [*Ministerial laughter*]. Yes, for a purpose which Tories always had laughed at and always had despised—namely, the purpose of promoting measures of freedom and progress.

Mr. BRADLAUGH (Northampton) said, that this Motion would be a precedent by which, without any declaration of urgency, by mere notice from one day to another and by a bare majority, without any intervention from the Chair, a debate might be closed. The right hon. Gentleman said there had been obstruction to this measure; but hon. Gentlemen opposite never hesitated to offer the most strenuous opposition to measures which they thought too advanced or described as revolutionary, and thought it no obstruction to do so. Even in the present he had personal experience of opposition, to a measure supported by a majority of the House, offered by a minority sitting opposite, and which had been characterized as obstructive from the Conservative Benches. He submitted that much of the responsibility for the delay in connection with the Bill before the House rested with the Government, for in many cases they had made concessions at the end of a debate when they might very well have made them at the beginning. He did not suppose that there would be any chance whatever of defeating this Resolution, but he wished to put upon record the protest of the Radicals, with whom he worked, and to record the precedent a justification for moving similar Resolutions when their time came.

MR. T. M. HEALY (Longford, N.) said he thought the Government ought to recognize the way in which they themselves had brought about the position in which they now stood. In the Land Act of 1881 the Tory Party occupied four nights debating one single line, and that the first line. The Tory Party, and principally the present Chief Secretary for Ireland (Mr. A. J. Balfour) and the noble Lord the Member for South Paddington (Lord Randolph Churchill), spent four nights in discussing the first line of the first clause of the Land Act, although that first clause of the Bill dealt simply with the question of free sale, which existed in Ulster always and which existed in other parts of Ireland. Then, after that, they occupied nine nights in debating the clause. What was their position now? It was said that wearisome and very dry debates had taken place on the Bill. He did not deny it for one moment; but surely if they took the Bill and stuffed it and choked it with all kinds of obnoxious provisions, they made it necessary to take up time in discussing it. Nothing was easier than for the Government to get up a cry of obstruction against the Irish Members. The Government had in London in the newspapers the materials for getting up an artificial cry of obstruction, and though that House was supposed to be the highest Court of the Realm, and an international issue was at stake, Ireland *v.* England, there was contempt of Court with regard to the proceedings of that House on the part of those who were appointed to write on the subject. The Representatives of the people could be abused, attacked, and defamed, their speeches were misreported, and their conduct twisted and distorted, whereas if he had an action for twopence halfpenny in Westminster or the Royal Courts of Justice in the Strand against the right hon. Gentleman opposite for goods sold and delivered, and any newspaper in the kingdom ventured to comment on that case while under discussion, he could have that newspaper up for contempt of Court. Yet those newspapers in dealing with that highest Court of the Realm and in dealing with litigants—international litigants who came before that House pleading their cause before the people of England—every newspaper in the Kingdom thought itself at liberty, upon matters which very few of them understood, to discuss in the most partizan point of view this cry of obstruction, which was a purely artificial cry, and which could be got up at any moment by the Ministerialists in their newspapers in London. The right hon. Gentleman the First Lord of the Treasury talked about making sacrifices. It was easy to make sacrifices at £5,000 a-year, but they had to make them at that side of the House, and not sit silent as the right hon. Gentleman. They had got to point out the mischiefs and evils of the country, and spend their time not in the enjoyment of profits and emoluments, but in the interests of their country; and then because they did it the representatives of the capitalist and of the landlord party said they were actuated by some malignant motive. For himself, he had never believed in obstruction as a policy, and he did not believe in it now. He never could see any object in interrupting the Business of the House, because what good did it do? There was no good whatever, in his judgment, in engaging in a policy of obstruction, and the only good purpose to be served in carrying on a debate was that of informing the minds of hon. Gentlemen opposite, if that was not a wholly impossible task, and teaching the public outside. As for delaying the Bill, for his part he did not attach any value to such delay. Whether the Bill was to come into operation on the 1st of July or the 1st of August, he did not think it mattered in the least. The opponents of the measure had moved Amendments to it, and he had been specially attacked by the papers for doing so; and the Parliamentary Under Secretary to the Lord Lieutenant (Colonel King-Harman), who had been appointed to his Office because of his antagonism to the Irish Members, described them as "the scum of the swill tub of Ireland." That was the gentle way the Under Secretary had of describing his own countrymen; and in a speech which the right hon. and gallant Gentleman made he stated that he (Mr. T. M. Healy) made more speeches than anybody else, and that, therefore, he and some others were guilty of obstruction. He would remind the House that while two or three, or four, or five of the Irish Members had spoken, all the others remained silent, allowing their Colleagues to speak for them. Would it be a reasonable thing if anybody said of the First Lord of the Treasury that he made more speeches than anybody else? The right hon. Gentleman would reply that he had to do it; and in the same way, if certain Members had been put forward by other Members, that was the action of a party of 86, and not of an individual Member. He was speaking and taking up a position for 86 others, and he was justified in making a series of speeches which, if he were only making from his own individval point of view, he would be entirely unjustified in making; so that no argument could be drawn from the position taken up by the First Lord of the Tresury, who said if every Member of the House made 100 speeches they could never get on. That was perfectly true, but if individuals on certain clauses had moved Amendments which had the support of an entire Party, that was a sufficient justification of those Members who had moved the Amendments and made speeches. But then there was another additional obstruction in the House which the right hon. Gentleman must see was in the nature of things inevitable. How could they avoid obstruction in a House composed of 670 Members? They must have obstruction in a Legislature which comprised so many Members, and which should not be composed of more than 200 or 300 Members. What had been the course of the Government in regard to the management of affairs in that House? When the 1st clause of the Bill was under discussion they were met with considerable fairness by the Government, and what followed? Why the 36 lines of the clause were expanded to 113, and then the Government, seeing they were justifying their opponents by accepting their Amendments and were giving reasons and grounds for saying the draftsmanship of the Bill was as bad as their policy, refused to make any concessions to fair arguments addressed from that side of the House. That was a most unfair and disengenuous way of meeting the Members from Ireland, because undoubtedly the matters put forward by them were entitled to consideration. But the right hon. Gentleman the Chief Secretary for Ireland, like the right hon. Gentleman the First Lord of the Treasury, seemed to be able to make only one speech. The right hon. Gentleman the First Lord had made one great speech, which was to move that the Question be now put, and the right hon. Gentleman the Chief Secretary had made another. Amendments were moved, and then the right hon. Gentleman got up and said—"I see nothing in the Amendment which in any way makes our Bill clearer or better," and without one single reason in justification of his proposal the right hon. Gentleman sat down. Intellectual barrenness of that kind in rejecting or opposing Amendments only led to friction and unpleasantness, and he thought it would have been much better for the Government to have let the right hon. Gentleman the Chief Secretary remain away somewhere while the Bill was under discussion. The right hon. Gentleman could have been studying Irish questions at the Irish Office, and have left the defence of the Bill in the hands of the Law Officers of the Crown, who were able to reply to the arguments put forward. It was one of the forms of insult the Government offered to the House that that they should leave the entire conduct of the Bill in the hands of a Gentleman like the Chief Secretary, who absolutely failed to meet any argument, when they had a Gentleman like the hon. and learned Solicitor General for Ireland (Mr. Gibson), who was perfectly able and willing to meet them in discussion. He (Mr. T. M. Healy) never saw more lamentable ignorance on any subject than that displayed by the right hon. Gentleman the Chief Secretary, whose conduct had been one of the causes of the delay that had taken place. That Rule, as he understood it, was a practical repeal of their great provision which enabled the right hon. Gentleman the Member for the Sleaford Division of Lincolnshire (Mr. Chaplin) and the noble Lord the Member for South Paddington to swallow the principle of the clôture, and it was a practical justification of the position taken up by the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) and the right hon. Gentleman the Member for Derby (Sir William Harcourt). Those right hon. Gentlemen said the simple system of clôture was the only real one for the working of the Business of the House; but the Government insisted on the putting into the Rule that the veto of the Chair should not be withheld, and after one month almost from the passing of that Resolution they were actually moving a Vote of Censure on the Chairman of Ways and Means, because he had shown fair play in the conduct of the debate. The Chairman had given them fair play, and this would be remembered by Irish Members after the present strife had passed away. No doubt the very fact that the Government had not been enabled to induce the right hon. Gentleman to grant them the clause without adequate discussion was a proof that the Amendments which had been moved were not of a trivial character. With regard to the entire of the 2nd clause he (Mr. T. M. Healy) did not move a single Amendment, leaving it entirely to the English and Scotch Members. He would not have complained of the Government attempting to put down the system of Boycotting if the Government had introduced some safeguards, such as that of appeal to a proper tribunal. The Government, by their present action, had given a signal proof that they considered the Amendments on the Paper of a substantial character; and that being so, they might well be content to allow that Bill to pass, subject to their protest.

SIR WILLIAM HARCOURT (Derby) said, he wished it to be put on record that the bringing forward of this Motion was a further advance in the doctrine of closure, and a great advance it was. The Government, when the question of Procedure was under discussion, laid great stress on the authority of the Chair as a regulating and restraining influence upon the closure. The present proposal was, however, an admission that they were entirely wrong, and it was a complete justification of the course which his right hon. Friend the Member for Mid Lothian (Mr. W. E. Gladstone) and himself had taken. What was the difficulty of the Government in this case He thought that they had said that every Amendment to their Bill was frivolous and unnecessary, and they had resisted every Amendment. If they had had the power in their own hands they would have used the closure, and the Committee on the Bill would have been over long ago. But they had set up an independent Judge, who on several occasions said that, in his opinion, some of these Amendments were most reasonable, and ought to be discussed. It was because the Chairman of Committees said that that the Government had come forward with the present Resolution. If the Chairman of Committees was of opinion that these six days would be sufficient to discuss all reasonable Amendments, all they need have done would be to apply for the closure. But they were afraid that the Chairman would say that the Amendments which they called frivolous were substantial Amendments which ought to be discussed. Consequently this new Resolution was proposed, in order to get rid of the impartial judgment of the Chairman of Committees. He had always predicted that the moment the majority found in the Chair any objections to their proposals for closure they would never tolerate that impartial judgment of which they formerly spoke so much, and that when such an obstacle was put in their way they would sweep it out of their path. They had drawn their clause in such a form that if there were Amendments which they thought ought to be in the Bill, they had taken good care to prevent their being put. Surely that was a closure as complete as anything that could be desired. He had never himself been an enemy of the closure. He had been consistent on that subject, having always been in favour of the closure pure and simple. The supporters of the present Government protested against a tyrannical majority until they themselves became one. They talked now of obstruction. Why, they took 20 days to discuss the single proposal of the closure some years ago. Perhaps the Government thought there would always be a Tory Party in Office, always supported by Liberal Unionists. That was like some foolish people who when they had got a fine day thought it would never rain. But changes came over the political atmosphere. The day might come—he ventured to say it would come—in which there would be a Liberal Government supported by a democratic majority. Then they should not be sorry to remember the lengths to which, for purposes of coercion, the Tory Party would carry the principle of closure. It was the tendency of these things to develop themselves. Conversion was rapid and complete. Look at Gentlemen opposite. They would never consent to the closure except with a three-fourths majority. Where were they now? They would never consent to the closure without every kind of safeguard. All their safeguards were now swept away. They must have the impartial judgment of the Chair, and the moment they were checked by the impartial judgment of the Chair, they closured the Chair, and they put the extinguisher on the Chairman of Committees. That was the process of conversion. In the days of Urgency in 1882 this very Rule could not be carried except by a majority of 3 to 1, but now the Tory Government had set an example that they could do this thing by a majority of 1. He would paint a picture which he was sure would edify the Chancellor of the Exchequer. He suggested to him a possible future when there might be a Liberal Administration numbering, say, 340, and there might be a Conservative Party of 330. There might be some great Constitutional measure—perhaps Home Rule—and there might be a Minister standing at the Table and saying—"I shall introduce to-morrow a Home Rule Bill, and I shall accompany it by a declaration that the third reading shall be taken this day fortnight; the subject has been discussed for many years; the Amendments you have put down to the measure are frivolous; your resistance to it is obstructive; you are standing in the way of a great reform; you are opposing the Business of the nation; it is our duty as a majority to assert the rights of the nation, and to see that the Home Rule Bill is carried in a fortnight." That might happen. And then they should have a glorious example! If anybody lived to see that day he might learn by heart the noble speeches they had heard from the right hon. Gentleman the First Lord of the Treasury that night. A Liberal Government might introduce a Bill for the Disestablishment of the Church, and they might reasonably say—"All that can be said for and against this Bill has been said already, and we shall take the third reading of it this day week." That was to be the sort of progress they were likely to make in the democratic transaction of the Business of that House. This was really what the Conservative Party and the Conservative Government in their insane passion for coercion were doing for themselves. A Greek sage said that no man could be called happy until he was dead, and the right hon. Gentleman opposite ought not to think himself happy in seeing how the closure had worked until the time of his political decease. He thought it right when this proposal, which was in absolute contradiction of everything the Tory Party had ever said or done, was made, to notice their complete conversion to the principle of closure for which the Liberals had contended, and the inevitable consequences to which in the future this proposal may lead.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square) said: "When the cat's away the mice will play." The tone in which his right hon. Friend the Member for Derby (Sir William Harcourt) had addressed the House was very different from that of his Leader. The right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone), at all events, remembered the duty of the House to proceed with its Business—to clear the road for other legislation. But the right hon. Gentleman who had just spoken did nothing but taunt those who sat on the Government Benches with their conversion to the closure. The right hon. Gentleman was a great authority on the question of conversion. But by what process had it been brought about that this Resolution had been proposed. The right hon. Gentleman threatened those who sat on the Government Benches with what would happen when he was able to bring the democratic forces of the country with him. They had been engaged 35 days upon this measure, and in those proceedings to which the right hon. Gentleman had alluded. No doubt, it was a most grave and serious thing when the Government was brought to the necessity of proposing so unusual and unprecedented a Resolution, and it was regretted by every Member of the House. But it seemed to be looked upon with triumph by the advocates of the closure on the opposite Bench, because they said that it proved that they were right with regard to the closure. That was not the principle of those who sat on that side of the House, nor of the majority of those who sat behind the right hon. Gentleman. If he were to poll his followers he would see that there were two-thirds who regretted that it was necessary to propose this Resolution. The country, however, sympathized with the Government, and looked upon their proceedings as absolutely necessary; and the country would know with whom lay the responsibility for the necessity of that action. Just as the Government would not propose a Resolution of that kind unless they knew that the moment had arrived when public opinion would justify their action, so they felt convinced that in the future, when the time came for his right hon. Friend to command his democratic forces, that they would not be able to abuse the closure in the manner which he had described in the comic sketches with which he had just favoured the House. His right hon. Friend had amused the House, as he always did. But he would not delude the country, which he was seldom able to do. His right hon. Friend was naturally in good spirits, because he was aware that he would soon be relieved of watching this Bill, and supporting Amendments which he knew not to be worthy of attention. He made due allowance for the comic sketches indulged in by his right hon. Friend, and no one would be terrified by the picture he had drawn of the closure being used to put down legitimate discussion, and to promote legislation of the kind he referred to. The Government disliked the necessity of proposing so drastic a measure as this. His right hon. Friend had said that the Chairman had not applied the closure enough to satisfy the Government, and that the Government had treated every Amendment as frivolous. It was absurd of the right hon. Gentleman to make such a charge against the Government, for there were many occasions on which they had admitted the justice of prolonged discussion upon important clauses, and there had been no attempt to cut it short. His right hon. Friend said that the course now adopted was a proof that closure with the check of the Chair was a failure. But it was not necessary for an Amendment to be frivolous in order to take up time; and if the House were to follow the precedent of the proceedings in Committee upon this Bill, and the multiplication of Amendments were to go on, they would never get any legislation at all. The Leader of the Irish Party, and the Lieutenants of the Party opposite, had been unable to induce their followers to moderate the length of their Amendments and speeches, which were not necessarily frivolous, but which threatened to go on *ad infinitum*. If Her Majesty's Opposition were determined to put Amendments *ad infinitum*, they would block all legislation in that House. Such a course had been applied in the case of this Bill, and it had rendered necessary the proposal before the House. He (Mr. Goschen) had risen to protest against the contention that in taking their present course the Government had set a precedent which would justify proceedings such as the right hon. Gentleman had suggested. The Government felt that the moment had come when it was absolutely necessary to pass such Bills as the Coal Mines Regulation Bill—to which the hon. Member for Cork (Mr. Parnell) had referred—and the other legislation which the Government felt bound to undertake; and it was of far more importance to get one of those measures passed than to have discussion on Amendments which, if not absolutely frivolous, were trivial, and could not be put in competition with legislation of that important character.

MR. T. P. O'CONNOR (Liverpool, Scotland) said, he was not at all surprised at the statement of the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) that the Members of the Party to which he belonged had brought forward this proposal with regret and humiliation. It was very easy to see the feelings with which the Tory Party regarded this proposal. He (Mr. T. P. O'Connor) had been an observer in the House for a great many years, and he should say that he never saw the Tory Party in such profound depths of despondency as when the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) was making his proposal, and he should confess that the right hon. Gentleman gave cause to his followers to be despondent owing to the nature of his speech in matter or manner, for a more weak or shuffling speech he (Mr. T. P. O'Connor) had never heard in favour of such a momentous and important proposal. The right hon. Gentleman the Chancellor of the Exchequer had admitted that the Business of the House was paralyzed, and yet he was prepared to maintain against all odds the competency of the House to deal with all matters affecting every country in the Empire. The statement of the right hon. Gentleman that the directions of the right hon. Gentleman the Member for Derby (Sir William Harcourt) and his hon. Friend the Member for Cork (Mr. Parnell) had been ignored by their followers was entirely inaccurate. The hon. Member for Cork came down to the House on Tuesday and backed up the very sensible advice given by the right hon. Gentleman the Member for Derby, that they should concentrate their attention on a certain number of Amendments and drop other Amendments which they did not regard as of equal substance and importance. And what happened? There were about 60 Amendments that night on the Paper, and his hon. Friends who were sponsors for these Amendments drew their pens through three-fourths of them. Even the discussion on Wednesday over the preamble in the 4th clause was carried on in a reasonable spirit, and was concluded without the application of the closure. In face of that fact he (Mr. T. P. O'Connor) thought the right hon. Gentleman the Chancellor of the Exchequer was making too large a presumption on the gullability of his supporters in the country when he said that the advice of the right hon. Member for Derby and the hon. Member for Cork had been rejected by their followers. He was not surprised at the sensitiveness with which the right hon. Gentlemen the First Lord of the Treasury and the Chancellor of the Exchequer received the allusion made to their action towards the Chairman of Committees. It would not be good taste to praise any more than blame the decision of any Presiding Officer of the House; but he should say that, by his conduct in connection with the Closure Motions that had been proposed from time to time by the First Lord of the Treasury, the Chairman of Committees had greatly increased the respect and confidence of every section of the House, and also his reputation for impartiality, strength, and dignity in the Chair. The Chairman of Committees more than once found it necessary to accept the proposals of the First Lord of the Treasury for curtailing debates and rejecting Amendments placed by Members of the Irish Party on the Paper; yet there was not a single one of the Irish Party who blamed the Chairman for so doing, or who did not believe that the right hon. Gentleman was acting honestly in what he believed to be his duty in the matter. The hon. Gentleman had on several occasions thought it right to refuse to accede to the demand of the First Lord of the Treasury. This had displeased the Treasury Bench. A Chairman that was good enough for the Irish Party was not good enough for the Tory Party, and it was impossible not to help feeling that the present Motion was the direct consequence of the discovery which the Government had made that they had in the Chair an independent and not a servile President. That was his charge, and he made it plain and unmistakable. The difference between the Clôture Rule now proposed by the Government and the Clôture Rule already in existence was that by the former the Chairman of Committees was deprived of all the power which he possessed under the latter Rule of protecting substantial Amendments from the clôture. The Government lived, as it were, from hand to mouth. They did not know in the morning what they were going to propose in the evening. They opened the Session with the declaration that the intervention of the Chair in connection with the application of the clôture was absolutely necessary, and that such intervention afforded a complete safeguard for the protection of minorities. That declaration was made but a few weeks ago; yet the Government already wished to get rid of the very safeguard which formed an integral part of their original proposal. Those right hon. Gentlemen on the Treasury Bench who talked about obstruction ought to bear in mind the history of some of the most prominent Members of the Tory Party. Why, the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) had gained such political eminence as he enjoyed by acting as an arch-obstructor, and the Predecessor of the right hon. Gentleman the present Chancellor of the Exchequer (Mr. Goschen) had brought the art of obstruction up to a pitch of development never reached previously. When, therefore, the Government charged opponents with obstruction, he was reminded of the pot calling the kettle black. The Government had no precedent for their action; but they had established a precedent which would have the most important consequences—a Home Rule Bill would be proposed a great deal sooner than the right hon. Gentleman the Chancellor of the Exchequer expected. He (Mr. T. P. O'Connor) ventured to say that if an appeal were now made to the country, a Home Rule Bill would be introduced in six weeks' time. It might be, when that Bill was introduced, and when the Lords of the Treasury were opposing it—as they had opposed the Land Bill of 1881—that it would be necessary to have a precedent from a Conservative Government for gagging inconvenient opposition.

Mr. MOLLOY (King's Co., Birr) said, he could not look at the Treasury Bench without thinking of the words of a song of the good old days gone away. It appeared a farce to him to hear the Government denouncing obstruction, having regard to the fact that there were sitting on the Treasury Bench more than one hon. Gentleman who had mainly gained distinction by obstruction. He was one of those who had learned the art of obstruction from the Treasury Bench. When the Clôture Rules were introduced by the Liberal Government, he assisted the present Members of the Treasury Bench in obstructing these Rules night after night, and one of his most able instructors and allies was the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour). It was from that right hon. Gentleman and his Colleagues that he learned obstruction—it was in their company he proceeded in his bad habits. The present cry of obstruction was got up by the Government as a veil in which to hide their real policy. The closure enabled the Government to wipe out frivolous Amendments, and that ought to be sufficient for all legitimate purposes. But it appeared that the Government were dissatisfied with the action of the Chairman in protecting the rights of minorities and securing discussion for really important Amendments. For his own part, he did not care whether the Motion was passed or not—the further the Government went the better for the Opposition—the more the Tory Party endeavoured to put down freedom of discussion in the House, the worse it would be for them in time to come, and looking forward to the period when the Tory Party would be in Opposition, he, for one, hailed with delight the Motion made by the right hon. Gentleman the First Lord of the Treasury.

Mr. HANDEL COSSHAM (Bristol, E.) said, the Tory Party were never satisfied except when they were endeavouring to rob the people, and especially the people of Ireland, of their liberty. He was surprised that the right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) should have thought it necessary to tell the House he moved this Resolution with peculiar feelings of distaste. If he had not said so the House would never have found it out. He hoped the House and the country would take note that the Tories revelled in taking away the liberties, not only of the country, but of that House. The right hon. Gentleman the First Lord of the Treasury was never tired of telling of the traditions of that House; but what was the value of those traditions unless they secured freedom of debate? He should have despised the Members for Ireland if they had not withstood the infringement on their liberties made by this Bill. They would have been unworthy of their position had they not done so. He was surprised to hear the right hon. Gentleman the Chancellor of the Exchequer (Mr. Goschen) affecting that right to speak on behalf of the democracy. The right hon. Gentleman had no right to speak on behalf of the democracy, considering that his whole life had been spent in opposing those in whose name he now professed to speak. The right hon. Gentleman could not, in fact, obtain the support of any popular constituency, but had to obtain a seat for St. George's, Hanover Square. Speaking after 40 years' intercourse with the people of this country, he (Mr. Handel Cossham) ventured to say that they had made up their minds against this Coercion Bill, and that they would not be slow to express that opinion as soon as they could get an opportunity. The first day the people of England were appealed to would be the last of the present Government. He did not believe that the

Liberal Unionists had any idea, when they joined the present Government, what lengths they would have to go, or how fast they would go down hill. Indeed, he never heard of anything like the pace at which the Government were now going down hill since the day when the herd of swine rushed down the hill into the sea. The Conservative Members had, in this matter of coercion for Ireland, belied their hustings' pledges. He could point out 100 men on the Conservative side who had obtained the support of the electors at the last Election by promising to vote against coercion for Ireland. What had changed their policy? It could not be the prevalence of crime in that country, for the amount of crime there was less than at the time of the last Dissolution. There would be an end of this thing ere long. The Coercion Bill was kept up simply to obstruct other measures, and when remedial measures came on for discussion, the Government combination would go to pieces. Not all the Liberal Unionists would be satisfied without some remedial legislation, or would be satisfied with the political sham that the Coercion Bill is. The Government might get this Motion passed by the votes of those who would not listen to discussion; but they could never carry out the Bill in the face of Irish representation and the reports of a Free Press. They must expel the Irish Members and suppress the reports of the Press before they could hope to carry out the Bill. Meantime, they wasted the time of the House, and insulted the country by keeping on the coercion controversy from day to day. What the country required was, to use the right hon. Member for Mid Lothian's (Mr. Gladstone's) words, measures that would make it easier for the people to live, strengthening the desire to do right, repressing the tendency to do wrong. The Bill would not prevent, it would create crime, and was so intended. It would aid the class of oppressors——

Mr. SPEAKER: The hon. Member is not entitled to discuss the Bill on this Motion.

Mr. HANDEL COSSHAM said, he begged to apologize. He was only referring to the Bill by way of illustration. The result of passing this Motion would disappoint the expectations of the Government, and teach the country that no more incompetent Government than the present ever attempted to conduct the affairs of a great nation.

Mr. W. REDMOND (Fermanagh, N.) said, he could not help noticing the scanty attendance of Members, particularly on the Ministerial side, and he thought that if a Motion were made for the adjournment of the debate it would not be unreasonable. The object of the Government was to push this matter through as hurriedly as possible; but, considering that the bulk of hon. Members were to a large extent in the dark on this matter, he thought it would be more respectful to the House and the country that the Government should postpone this discussion, instead of pressing it forward, until the Amendments were seen in print. A more serious and drastic proposal than that of the Government had never been made in the whole of their Parliamentary history. It opened up a very promising prospect for Irish Members of Parliament especially. They were told impliedly that they would not get Home Rule, and that the Government would shut them up when they liked. The Resolution was a proposal to the effect that for the first time in the history of the British Parliament a bare majority should have the right of stifling the voice of the minority. He utterly denied that any obstruction whatever had been offered by the Irish Members to this Coercion Bill; but they were bound in the faithful discharge of their duties to place Amendments to every clause on the Notice Paper, and to fight them out to the bitter end, no matter how displeasing it might be either to the Speaker or the occupants of the Front Ministerial Bench. The effect of the Resolution, if passed, would be to make Irish Members, if possible, more disgusted and discontented with this House than ever. Its object seemed to be to goad the Irish Members to resort to some desperate action, and so to enable the Tories to hold them up to odium before the constituencies as an un-constitutional Party. He contended that the Government in the course which they were now taking were doing away with the protection afforded by the Closure Rule, by which no Motion for the closure of debate could be put without the sanction of the Chair. To hand over the Irish Members to a majority which were composed of Members who did nothing but enjoy themselves when the Irish Members were working hard in the House was to add insult to injury. The real fact of the matter was this—that not satisfied with the majority they got, the Tory Party would be content with nothing but to see the minority sitting mute in the House. They were too much for the Tories, as the people of England saw, and they accordingly determined to gag them. If this sort of policy was to be carried out they might as well shut up the House of Commons at once, and adjourn the whole thing. Let the Members of the Tory Party enjoy themselves in their country seats all over the country, and let the First Lord of the Treasury communicate with them by telegraph from Downing Street when he wanted anything done. There was no obstruction whatever, unless the Tory Party considered discussion obstruction, or wished to hoodwink the people in the country into the belief that there was obstruction. He wished the Tories joy of their rest when they got it. They would get their coercion; but the result of the coercion would be to make the people of Ireland more dissatisfied with the clique which governed Ireland in Dublin Castle. The proposal that by a bare majority of 1 the Tory Party should have the power of closing debate was so outrageous that he thought it would produce general dissatisfaction in the country. He believed that the result of the passing of the Resolution would make them the laughing stock of the world.

COLONEL NOLAN (Galway, N.) said, he believed that the United States could not change its Constitution unless by a two-thirds majority. The Government proposed to alter the Constitution of Ireland by a bare majority, and not satisfied with doing that under the ordinary Rules of the House they wished to make a great innovation. He should support the Amendment, for he contended that the Government should be satisfied with the progress their Coercion Bill had made. No Ministry could expect to pass more than one first-class measure in a Session, and as the Coercion Bill was a measure of first-class importance, seeing that it affected the Constitution of Ireland, they ought to be content with passing that one important Bill and some other smaller measures. What the Government wished to do was to make a show of progress, and in that they were wise, because if they dealt with other questions they would not be able to secure the support of the Liberal Unionists, who, according to the right hon. Member for Birmingham, differed from them in 99 cases out of 100, while they agreed with them only on the Irish Question. Had Her Majesty's Government allowed the Bill to go on at the rate at which it was proceeding, he believed that it would have been got through its Committee stage in some seven or eight days, as the Committee had now disposed of nearly all the important points in the measure. The Government, however, had been forced by their supporters out-of-doors to do something, and in the effort to do something vigorous the Government had brought forward this Motion to deprive the Chairman of Committees of his power of vetoing their proposals for putting the closure in force. The Chairman of Committees had three or four times thought that the First Lord of the Treasury wanted to go too fast and had refused to put the closure. Nothing could be worse than for the Government to say that as the Chairman of Committees had not decided in their favour upon every occasion they would take away the power from him. That was really what the Motion meant. The Government had intimated their intention of introducing a second Coercion Bill this Session; and, in a Party point of view, they were quite right, because by so doing they would retain the allegiance of their Liberal Unionist Friends, whom, beyond all doubt, they would attempt to crush out at the next General Election. If the Government would drop this Motion, and would leave out a great part of the remainder of the Bill, with the intention of re-introducing the omitted portions of the measure in the form of a new Coercion Bill next autumn, they would easily pass the Bill through its remaining stages.

SIR LYON PLAYFAIR (Leeds, S.) said, he proposed to consider this question, not from a Party point of view, but speaking in the interests of the House itself, as one who had had for several years the privilege of conducting the debates in Committee, and who had knowledge of how the Rules of the House acted. He made no objection to the course which Her Majesty's Government had taken in drawing attention to the fact that the debate in Committee on this Bill had ceased to be instructive and had become obstructive; but he objected to their having made this proposal by a rude and clumsy machinery to effect a wholesale slaughter of Amendments. He thought that Her Majesty's Government were wrong in attempting to make a precedent which might become exceedingly dangerous to the rights of minorities at some future time. How did the case present itself to the House in 1881, which was the first occasion on which obstruction made its force felt? The House then determined that it would crush obstruction; but how did it proceed? It then proceeded in the most formal and careful way. It first declared that the Business of the House was urgent, and at that time nearly all the Irish Members were suspended. Nevertheless, a full debate took place, and, at the suggestion of Sir Stafford Northcote, the then Leader of the Conservative Party in that House, it was resolved that debate should not be put an end to unless there was a two-thirds majority in a House of not fewer than 300 Members. That right hon. Gentleman then contended that such a proposal should never be made unless the House was practically unanimous. Urgency had been several times voted by the House in respect to the Business before it. It was voted three times in 1881, and then it was not again voted until July 4, 1882. The right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) on the latter occasion moved that the Business should be declared urgent, and upon that Business was declared to be urgent by 3 to 1 in a House of 300 Members. The Rules with regard to urgency never became Standing Orders as a whole; some were adopted into the Rules of Debate; but this one never did become a Standing Order. On the first occasion, on the 3rd of February, 1881, Urgency was declared; but the effective Resolution putting an end to debate was not moved till the 21st, so that ample time and deliberation were given to the House. But on this occasion we are informed at midnight one night, and the Motion is made at 4 o'clock next day. The precedent that was now being set was deprived of all the safeguards and conditions for deliberation that were previously observed. The precedent now being established would permit a House of 41 Members to pass a Resolution of this kind at 24 hours' Notice. That the Resolution gave a week for the discussion formed no essential part of the precedent, for other precedents could be quoted when only a few hours' discussion were permitted. It would be a precedent for the passing of a Resolution by a majority of 1, by which the discussion on any measure, however important, could be brought to a close at once without debate or Division. They were going further even than the Resolution of the 24th of February, the 10th of March, and the 4th of July, which all made it necessary that the Amendments set down should be voted upon, so that the Government might accept some and improve their Bill; but by this Resolution all the Amendments were to be swept away, and they were to vote on the clauses without amendment. The Government were thus putting it out of its power to consider any Amendments which might be proposed. The precedent now being established would be most dangerous for any minority, and particularly for the Conservative Party. Assuming the Liberal Party were in a majority, and the hon. Member for Northampton (Mr. Labouchere) proposed a Bill for the abolition of the House of Lords, under this Resolution Notice could be given and the Bill be at once put to the vote after, perhaps, only 12 hours' discussion. Some day the Conservative Party must be in a minority, and this machinery would be used by the Party of action in a manner even more arbitrary than it was now being used. It would be far better to add to the Resolution that it must be voted by a House of 200 or 300. It was not even necessary, according to this precedent, for the Resolution to be proposed by the Leader of the House. In his opinion, and speaking in no Party sense, the Government were establishing a precedent of a most inconvenient and dangerous character. He did not say that seven days were not sufficient to allow for the discussion of the remaining clauses of the Bill; but he should vote against the Resolution, on the ground that, from the manner of its introduction and the absence of safeguards in it, it formed a most dangerous precedent for the future conduct of the Business of the House. No Motion for Urgency ought ever to be proposed to the House without the clearest necessity. The Government consider that 15 days' debate in Committee on a Bill affecting the liberties of the whole Irish people are excessive and justify repression. But the Conservatives occupied 22 days in Committee in opposing the abolition of flogging in the Army in 1879. They occupied 39 days of 1880 in Committee on the Irish Land Bill, and yet they deem 15 days utterly intolerable when a nation struggles against coercive legislation which curtails the liberties of the people.

Mr. ARTHUR O'CONNOR (Donegal, E.) said, it was a matter worthy of distinct notice that notwithstanding so weighty a speech as that which they had just heard from so weighty an authority as the right hon. Gentleman the Member for Leeds (Sir Lyon Playfair), who had filled for years the distinguished Office of Chairman of Committees, no Member of the Government had risen to reply. The conduct of the Government in this matter was of a piece with their attitude for some weeks past. They sat in silence before them, using their mechanical majority from time to time to meet the arguments against the Bill. This Resolution was a consequence of the evil course which the House had adopted on previous occasions. From the day that the first Urgency Resolution was adopted the House was placed on an inclined plane, and its course had been uniformly downward. Whether they had yet reached the lowest point was a matter of opinion, though he did not think they had. Another point which would have struck anyone who considered the matter was that, startling as was the proposition, the Government had been absolutely unable to adduce a single precedent from the long history of Parliamentary procedure for the course they were now pursuing. The previous Resolutions of this kind had been passed under circumstances entirely different and with safeguards which this altogether lacked. There was no instance before of any such proposal as this for definitely bringing the discussion in Committee to a close at a certain fixed date. This proposal was entirely unprecedented in its character, and was entirely foreign and strange to the whole spirit and history of the House. It was a departure from the best traditions of the House, and it did appear that this "Mother of Parliaments," as it was fondly called, was likely to see a degradation far more serious than had yet been experienced by any legislative Assembly in the world. It was said that this proposal had become necessary because the advice and suggestions of the right hon. Gentleman the Member for Derby (Sir William Harcourt) and of the hon. Member for Cork (Mr. Parnell) had not been followed. But he traversed the statement that such advice had not been followed. In a single night Clause 3 was passed in its entirety, and the fourth clause was passed after two sittings of the House, one of which was a short Wednesday sitting. The House already possessed abundant means of bringing irrelevant discussion to an end—the closure afforded an ample safeguard against undue prolixity of debate. What was the nature of the Bill to carry which this Motion had been brought in? It was not an ordinary Bill dealing with property rights or local interests—it was a Bill which affected the liberties of the subjects of one entire division of the United Kingdom, and if there was any Bill to discuss which the fullest possible liberty should be allowed to the Representatives of the people to be affected by it, it was this Bill, and yet it was in respect to a Bill of this important kind that the mouths of the people's Representatives were to be closed without any answer being given to their arguments. The Government seemed to drive the only vestige of protection left to minorities from its last resting place in the hands of the Chairman of Committees. Why not dispense with all the subsequent stages of a Bill after its introduction, and when read send it up immediately to the House of Lords? It would be a more honest policy than the present policy of the Government. The Government took the action to remove the difficulty in the way of getting the Bill through in the only one stage in which they had any difficulty to contend with—that was to the Committee stage—because the suggestion they made for putting the Question was not always successful, and because the First Lord of the Treasury found that his own position was becoming shaken and discredited, owing to the repeated rebuffs which the Chairman of Committees in the discharge of his duty and in his capacity of guardian of the rights of minorities, had found it necessary to administer when the right hon. Gentleman attempted to closure substantial Amendments. In the case of the alterations effected in Clause 1, it was idle to say that the discussions in Committee had been obstructive. The proposal of the Government would have the effect of making the remaining proceedings in Committee a hollow mockery, and he should have been glad if it had been resolved by the opponents of the Bill to take no further part in them. The Bill would, no doubt, be passed, but it would retain the stain of irregularity. Nemesis would come sooner or later, and those who now heedlessly, thoughtlessly, and truculently threw aside the principles and traditions of an illustrious Assembly like this, would inevitably rue the consequences of their own folly.

Mr. J. E. ELLIS (Nottingham, Rushcliffe) said, he had listened to the speech of the right hon. Gentleman the Member for Leeds (Sir Lyon Playfair) with great pleasure, and he was surprised that no one had risen on the Treasury Bench to reply to it. The House had become accustomed to startling novel propositions made by the right hon. Gentleman (Mr. W. H. Smith) in his blandest manner; but no proposition during the Session was so startling as that made this evening. The justification for this extraordinary proposal was wrapped up in the word "obstruction," which had an effect on the Government similar to the red flag on the bull. The right hon. Gentleman could hardly have remembered the definition of that term accepted during the discussion of the Procedure Rules proposed by the right hon. Member for Mid Lothian (Mr. W. E. Gladstone), in 1882 or he would not have used the word as he had. That right hon. Gentleman defined "obstruction" as the attempt on the part of a small minority to resist the view of a Parliamentary majority otherwise than by argument. He expressly declared that reiterated pressure of argument was not obstruction. Tried by that standard the proceedings on the Crimes Bill could not fairly be described as obstruction. There was some little lack of historical knowledge in regard to proceedings in times gone by, and the hon. Member for Cork (Mr. Parnell) was able to correct some errors into which the Leader of the House fell in referring to discussion on the Land Bill. Let each Member of the House consider the Bill as applicable to his own constituency, and he would take a different view from that held by the Government. Let him fancy, in his own constituency, this terrible engine for the suppression of free speech, the infringement of the freedom of the Press, the suppression of the right of meeting, and the suspension of liberty. Let him suppose this Bill at work suspending all rights of Constitutional agitation, and he would come to the view that Irish Members representing five-sixths of the country would have failed in their duty to their constituents if they had not offered the most strenuous opposition in their power to the passing of the measure. Considering, too, the mode in which the Bill was drafted, the manner in which it was conducted, the hours wasted through the Government failing to make concessions until the last moment after long discussion, the charge of obstruction could not fairly be applied. Hon. Members who absented themselves throughout the evening and returned at 11 o'clock or at midnight, and who failed thereby to grasp the point at issue, might consider the discussions wearisome; indeed, it was admitted that unless they followed the arguments closely the details of the Bill were wearisome; but a suspicion had gained strength in his mind that the dislike shown to a prolonged discussion had another cause, that the arguments against the Bill were more cogent than the Government were disposed to admit. He remembered that on one evening six Queen's Counsel rose one after the other and forcibly criticized a portion of the Bill, and he particularly noticed the growing sense of impatience after this fire of criticism. The Prime Minister spoke of remembering the time when a Coercion Bill introduced into the House in the morning passed at night. Possibly the Leader of the House looked back with envy on that time; but the time had happily gone by for ever when they could pass such measures with such rapidity through the House of Commons. He had said the proposition was of a startling nature, and, personally, he felt some sympathy for the right hon. Gentleman as he painfully struggled to find some precedent for his action. He fell into inaccuracies, and almost apologized for not having the details of his story more correctly. It was hardly necessary to cast about for a precedent. The Tory democracy was largely influenced by novelty. It was the very essence of its creed, which seemed saturated with a passion for novel proposals. What they had been debating that evening was but a new form of the 1st New Rule of Procedure. The Closure Rule had already become rusty and blunt in its operation, and more than once it had pierced the hand of him who tried to use it, and so it was thought necessary to forge a new weapon. He had a rooted aversion to the Closure Rule, and its operation had already abundantly justified the prognostications of the right hon. Member for Mid Lothian (Mr. W. E. Gladstone) and the hon. Member for Bedford (Mr. Whitbread), and was simply an inclined plane down which the House was rapidly slipping. The Leader of the House held the Motion necessary to uphold the honour and dignity of the House; but, with the honour and dignity of the House as much at heart as any on the other side, he maintained that the preservation of the dignity of the House rested upon respect for the traditions of the past and the right of freedom of speech in debate. In the year 1864 some striking words had been used in that House by a very eminent man, which he would venture to quote. Mr. Disraeli then said—

> "What makes the House of Commons influential in contradistinction to the popular Assemblies of other countries is this — that when there is any great question of difficulty the country feels that we are solving it, not merely by the present thought and existing intelligence of the Members of the House, but that we come to its consideration fortified by precedent, and bringing to bear upon it the accumulated wisdom of the eminent men who have preceded us."

The Leader of the House had upon this occasion been absolutely unable to find any precedent for the course he had adopted, and he agreed with the right hon. Member for Leeds (Sir Lyon Playfair) that the most important aspect of this Motion was its relation to the procedure of the House of Commons. Nothing could be more dangerous in its effect on that Assembly than to deprive hon. Members of the opportunity of criticizing proposals made to them on the character and conduct of each other. If they smothered discussion, then they would drive all serious discussions to public platforms, and that would be very deplorable for this reason, that when Members were there face to face with each other, their language had a character of moderation which was not always found on public platforms. If discussion was driven to public platforms, they would have utterances of a very different kind. It was for this reason mainly, on account of its effect on the proceedings of that House, and its absolute defiance of all the traditions of that Assembly, that he should unhesitatingly record his vote against the proposition of the First Lord of the Treasury.

MR. MAURICE HEALY (Cork) said, as one who had taken a small part in opposing the Coercion Bill, he did not regret that the opportunity to continue that opposition had been removed in the way proposed by the First Lord of the Treasury, because it was not inappropriate that on a Bill intended to stifle the liberties of the Irish people, the Government should commence by stifling discussion in that House. The Government appeared to have come to the conclusion that they had made at least a tactical mistake in yielding to the Irish Members as they had done on the 1st clause, and were determined to ignore all Amendments on the subsequent clauses, and if that were so it was a great deal more creditable to them that they should carry the Bill in the manner provided by the Motion before the House rather than by continuing to meet the Amendments to it in an uncompromising spirit of unreasonable opposition. He had endeavoured to find a precedent for the action of the Government, and he believed he had found an historical precedent for it. One of the Kings of France, whose name he forgot, was exceedingly fond of entering into metaphysical discussions with his courtiers. The latter, however, soon found out that when the Monarch was worsted in an argument he took to kicking their shins, and he (Mr. Maurice Healy) could not compare the action of the Government on that Bill to anything more than the action of that Royal personage. The Government were unable to give any reply to the Amendments proposed, and accordingly they had discovered that device for stifling all legitimate discussion. With respect to the charge of obstruction, he would point out how absurd were the arguments of the Tories, who themselves in the case of the Land Act and also the Crimes Act, and the Rules of the Government, occupied more time in their opposition of those measures than the Irish Members had done in the case of a Bill which was to deprive the Irish people of their liberties, and which was, moreover, a Bill which was to continue for ever. He would challenge any fair and impartial man to take the 1st clause, as amended, in his hand and, comparing it with the clause as originally introduced, to say whether the attitude of the Irish Members had not been simply justified by the results which had been attained. The proposal of the Government amounted to a virtual impeachment of the Chairman of Committees, who had acted with impartiality. It was an appeal from knowledge to ignorance—it was an appeal from the Chairman of Committees to the unreasonable ferocity of hon. Members opposite. It was a most unfair and unworthy thing, when dealing with a small minority in that House who were fighting for what they considered the cause of their country in the face of great odds, that the Government should invent this exceptional proceeding to get rid of the sanction of the Chairman of Committees which they insisted on when they were devising a Rule which might be used against themselves.

Mr. W. H. SMITH rose in his place and claimed to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

The House *divided*:—Ayes 284; Noes 167: Majority 117.—(Div. List, No. 214.)

Question put, "That the words 'at Ten o'clock p.m.' stand part of the Question."

The House *divided*:—Ayes 301; Noes 181: Majority 120.—(Div. List, No. 215.)

Mr. CHANCE (Kilkenny, S.): I am afraid I shall be compelled to ask the attention of the House for some time. Although I understand certain festivities are to take place to-morrow, I am sure that even Tory Members of the House and their Friends who sit upon this side of the House will admit that I am entitled to believe that the liberties of the Irish people, which we are sent here to defend, are in our eyes at least of more value than any proceedings which may take place at Portsmouth to-morrow. I intend to end by moving an Amendment to the Motion of the First Lord of the Treasury (Mr. W. H. Smith); but before I do so, I desire to make the frank admission that not only have the English people a right to be satisfied with the progress of Business in this House during the last four or five months, but that we also have a right to be satisfied with it. We have a right to be satisfied with it when we recollect the pledges and professions by which not only Gentlemen who sit opposite came into power, but by which some Gentlemen sitting on this side of the House, and sailing under certain colours, obtained the confidence of the electors. It is patent to everyone that the electors would never have thought of reposing confidence in the so-called Liberal Unionists had they at the time of the Election advocated the policy they are now advocating. When the House met in January, a vast programme of reform was laid before it, and we know what has become of that programme. The promised reforms have melted away; and now the House is asked to express its regret that the crop of coercion has not ripened sufficiently fast to suit the allies of the First Lord of the Treasury, who, as long as he clings to power, are his masters, but who, when once he and his Party are driven from power, will become his abject slaves. I desire to refer for a very few moments to the delay which has occurred, and to the reasons which have led to that delay. There are several reasons for the delay. I do not intend to allude to the previous debates upon a Rule, which, after obtaining it by a waste of very nearly a month of the time of this House, is now declared by the First Lord of the Treasury to be practically unworkable; but, Sir, I desire to allude specifically to the length of the debates on the Crimes Bill for which the Government are now seeking to get Urgency. I may remind the right hon. Gentleman (Mr. W. H. Smith) that the precedents of other Coercion Bills cannot be fairly appealed to on this occasion. This Coercion Bill has been marked by several distinguishing features—not only by its permanency, which is undoubted, but by the new crimes which it is proposed to create, and by the political character of the repression which it proposes to apply to the National League, a body which has kept the tenantry of Ireland from despair. This Coercion Bill is particularly distinguished from its predecessors by the fact that it is the product of a combination of Tories on the one hand and discredited and ruined men on the other. There is another cause which has led to the prolongation of the debates in Committee on this Bill, and it is this—that our arguments and appeals, no matter how reasonably and moderately made, have been usually addressed to empty Benches, and met by the Government with a persistent *non possumus*. I also wish to allude very shortly to a remarkable speech made a few days ago by the Earl of Derby, a gentleman who is no particular friend of ours. The House will recollect that in that speech the noble Lord said we are fighting for the liberties of our nation, and, therefore, he counselled that moderation on the part of the Government towards us which, I regret, they do not now seem disposed to exercise. What is our position? We are resisting the permanent degradation of Ireland. This is not a Bill which is to remain law for 18 months or two years, but it is a Bill which will permanently destroy our rights and liberties. We conceive we have, therefore, great right to discussion—that freedom of debate should be more carefully preserved to us than if this were a mere temporary measure. Under certain clauses of the Bill almost despotic power is to be vested in the Lord Lieutenant of Ireland, or his deputy the Chief Secretary for Ireland. Under this Bill power is to be granted to these Gentlemen to declare any person who stands on a platform and defends the cause of his constituents, to be a criminal, and to send him not only before two Resident Magistrates, but also to make him subject to the infamous Whiteboy Code of Acts, which has been nominally dropped, but which, under the 7th clause of this Bill, will undoubtedly be brought into operation. This Bill destroys the right of public meeting, and it is aimed at the destruction of combinations on the part of the tenants to defend their property and their miserable huts and cabins. Under such circumstances it seems to be our duty to protest against the high-handed course the House is now asked to adopt. Now I ask what remedy does the Government propose for this loss of time they seem so seriously to regret. They propose by this Motion to give us four and a-half days to debate the remaining clauses of the Bill. They propose to do this under a Rule which entitles the Member in charge of the Bill to move to report Progress at any hour he likes, and which does not bind that Member to bring on the Bill for discussion until Friday next, if it so pleases him. We have not got absolutely the right to four and a-half days' discussion, but to such portion of that time as the right hon. Gentleman in charge of the Bill may choose to give us. May I also point out that in addition this Motion, if carried, would deprive us of the protection of the Chair, a protection which was forced upon us by the right hon. Gentleman the First Lord of the Treasury himself not very long ago. Let me draw the attention of the House to the fact that when the right hon. Gentleman insisted that the Chair should exercise its right of veto, he made that very fact an argument for obtaining closure by a bare majority, an enactment which he would never have succeeded in getting except for the veto of the Chair. I desire to glance very briefly at the conduct of the Gentlemen who now propose extreme measures, when they were defending what they considered to be an invasion of class privileges. This Bill has been under discussion in Committee for 15 days, 66 Divisions have been taken on Amendments, and Amendment after Amendment has been dropped without Division in order that the Party which is now in power should not be able to go to the country saying we have obstructed the passing of the measure. Fourteen times has the right hon. Gentleman the First Lord of the Treasury moved the closure, and on many occasions the closure was moved by him when we were quite ready to take a Division on the Main Question. Sir, I have calculated that, removing from the time occupied in Committee the time occupied in Divisions, we have had about 85 hours' discussion in Committee on this Bill. We have passed four very long and momentous clauses. What was the position of the Tory Party when they were in Opposition in 1882? On 72 lines of Rules and Procedure they occupied 30 days, and took 56 Divisions. On the matter of the Procedure of this House, a matter which it is always in the power of this House by a single Motion to alter, they thought it their duty to waste 30 days of the time of the House, and to take 56 Divisions. Now I ask Gentlemen on the other side of the House, before they vote for the passing of this Rule in its present form, to recollect what questions we have to discuss. Let me mention some of the more important ones. In the first place, it is proposed that the Lord Lieutenant of Ireland should have power to proclaim counties by the advice of the Irish Privy Council, the Irish Privy Council being a body, the extent of whose powers we ought to object to in the strongest possible manner. In the four and a-half days to be given up to us, we shall have to draw the attention of the House to the fact that this power of proclaiming counties may be exercised by the Lord Lieutenant of Ireland for whatever purpose he likes. We shall have to draw the attention of the Committee to the suppression of public meetings which, under the 6th and 7th clauses of the Bill, it will be in the power of the Chief Secretary to insure; we shall have to draw the attention of the Committee to the fact that the whole code of Whiteboy Acts as to public meetings and the suppression of combinations will be imported by the 7th clause into this Bill, and that the suggestion that these powers shall be subjected to the control of Parliament is the merest farce. Now, there are other clauses in the Bill equally important. I find further on in this Bill that it will deprive the Irish people of the right of bearing arms, and that it will provide for search warrants directed against whole localities. The method of constructing special juries will require the greatest and keenest discussion, having regard to the fact that you have already taken power to try Nationalists by special juries after change of venue. Furthermore, I may draw attention to the period and method of punishment prescribed by the Bill. In the small space of time allotted to us we shall have to discuss the Amendment of the hon. and learned Gentleman the Member for the Carnarvon District (Mr. Swetenham), whose idea of political liberty is to be discovered by his Amendment, which prescribes that the Judge shall be entitled to award 150 strokes with a cat-o'-nine-tails to anyone convicted under the Act. Then I see that Members of the Party opposite have Amendments dealing with the constitution of the Court of Summary Jurisdiction, which Amendments, I presume, will receive somewhat greater consideration than any Amendments we could propose. There are powers given to the Lord Lieutenant of Ireland to make rules as to the witnesses and prisoners' expenses, to make rules as to the whole course of procedure, rules which may bear most oppressively upon prisoners, and upon those who have to differ politically with the administration of the Act. Now, Sir, I do not desire to weary the House by any further observations; I think it is perfectly clear to any person in this House of independent mind that these questions could not possibly receive even a shade of discussion in the few hours—32 hours at most—which are to be awarded to us under this Motion. If Parliament is to degrade itself for the purpose of degrading the Irish people, let us at least have some time to consider the matter. I warn the First Lord of the Treasury and his Colleagues that a Bill passed by the discreditable methods now proposed cannot possibly obtain the slightest respect from any free or independent people, and I therefore propose to leave out "the 17th day of June" for the purpose of inserting "the 24th day of June," in order that we should have at least seven or eight Parliamentary days to deal with these matters of high importance, not only to us, but to the credit of Parliament, whose credit for fair play is at stake.

Amendment proposed, to leave out "17th" and insert "24th." — (*Mr. Chance.*)

Question proposed, "That '17th' stand part of the Question."

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): Mr. Speaker, I have listened very carefully to the observations which have fallen from the hon. Gentleman (Mr. Chance), and which have been founded principally upon the contention that the five days which will elapse between this and the 17th June are insufficient for the discussion of the remaining clauses of this Bill. That, Sir, was not the view of the right hon. Gentleman the Member for South Leeds (Sir Lyon Playfair), who, with the great experience he brings to bear upon discussions in this House, thinks that five days are sufficient for the discussion of this Bill. And I am within the recollection of the House when I say that the hon. and gallant Gentleman the Member for Galway (Colonel Nolan) expressed a view which was very similar in character although not precisely the same as that of the right hon. Gentleman. There are undoubtedly two or three questions of considerable importance to be considered by the Committee when it returns on Monday to the consideration of the Bill; but there must be a limit to the period which can be given to the consideration of these questions, however important, and having regard to the fact that these questions have been debated on the first reading of the Bill, on the second reading, and on the Motion, that you, Sir, do leave the Chair—having regard to the fact that the whole matter within the Bill has been debated over and over again, it does not seem to me that the Government are seeking too much from hon. Gentlemen below the Gangway when they seek to put a limit to the discussion on these questions of five days more, especially when there must be another stage on which discussion can be taken; the stage of Report when you, Sir, will be in the Chair. I am lothe to appear to insist too strongly upon the Resolution I have submitted to the House, but after having given the fullest possible consideration to the question, after having weighed the importance of all questions which can be submitted to the House, I have come to the conclusion, with the assistance of those who are able to give an opinion on the subject, that five full days are at least ample for the consideration of any questions which can be raised upon the remaining clauses. Under these circumstances, I must oppose the Amendment which the hon. Gentleman (Mr. Chance) has proposed.

MR. T. M. HEALY (Longford, N.): I must say the right hon. Gentleman the First Lord of the Treasury does himself great injustice in not making longer speeches in the House. He always imports very great sincerity into everything he says; indeed, I feel persuaded that the right hon. Gentleman brings full conviction to bear upon any remarks he has to make. But, Sir, allow me to say that I do think the right hon. Gentleman is entirely mistaken in the position he assumes when he says that five full days are sufficient for the consideration of the remaining clauses of this Bill. Why are not five minutes sufficient? If her Majesty's Government take up the position that an end can be put to debate, why give us five days? They mean to accept no Amendment, and therefore, why not put the closure on at once? Why five days? That is the absurdity of their position. Why do not they take the advice of the gentlemen who write for *The Times*? These gentlemen have no conscience—why not take their advice? You appear to imagine that there is a sacramental period at which you can say everything is fully discussed. If you are infallible surely your infallibility might just as well prompt you to allow only two days or two minutes for the remaining clauses, as four days. Why not, like Desdemona, when she was pressing for a particular office for a gentleman with whom we are all acquainted, say on Wednesday? Once you assume that a particular time can be fixed for the conclusion of the discussion of any Bill, you forsake all the principles of debate. Now, let me point out how altogether hollow are the arguments in support of the position taken up by the right hon. Gentleman. What is to prevent the gentlemen who write letters to *The Times* taking up the entire time to be allotted to us? Will the right hon. Gentleman (Mr. W. H. Smith) give us a written assurance that no one will speak on his side of the House? Is it not possible that Liberal Unionists will talk for the whole five days and not allow us to get a single word in? You seem to suppose a kind of truce of God; that we should assume hon. Gentlemen on the Government side of the House will be absolutely bound over to keep the peace during the next five days, and that we shall be allowed to romp round ourselves and absolutely exclude all

Parliamentary discussion, so far as the Government supporters are concerned. If the Motion of the Government is adopted, effective debate will disappear, because the great Tory Party and the greater Liberal Unionist Party will be compelled to absolute silence. I do hope the Chairman of Ways and Means (Mr. Courtney) will take note of the position taken up by Her Majesty's Government, and that during the next five days he will not allow one word to be uttered by any Gentleman who sits upon the Government side of the House or upon the Liberal Unionist Benches. It is to be understood, as I understand it, that the next five days are to be thought a sacred period of time, which we are to have for our own consumption. It is a healthy position to be taken up in the first Assembly of Gentlemen in Europe, the great Temple of Liberty that we hear so much about, that the whole Government Party is to be excused from debate, and the discussion left to Irish rapperees. A healthy position for the English Government to assume in the latter part of the 19th century! I do hope we shall live to see the time when, as my hon Friend the Member for Cork (Mr. Parnell) pungently pointed out, a Government in Office will measure out, like so many yards of tape, the opposition of some future Party to Church Disestablishment, or some other portion of the unauthorized programme, when, perhaps, those who have started that agenda—that is the mildest term I can use—will be denounced by those who are now preventing liberty of discussion. It seems to me Her Majesty's Government are taking up a very ill-advised course. I am very glad to see the right hon. Gentleman the Member for the Sleaford Division of Lincolnshire (Mr. Chaplin) in his place. He was the man of all others who denounced the closure, and who only assented to it because he said he felt full confidence the veto of the Chair would be exercised to protect minorities. Now you have the first step in taking away the veto. This Motion really amounts to a Want of Confidence in the Chair. You will not allow our Amendments to be proposed with anything like adequate discussion. You take away the veto of the present Chairman of Committees, a Gentleman whom we regard with the utmost admiration. Although at times I have had occasion to differ from him, on the whole, I consider his conduct has been extremely fair towards us, considering we are a struggling Party. If you now admit that you can measure out like so many yards of tape the time of this House, when you come to some question of disestablishment, you may find a partizan Chairman in the Chair, and that the whole British liberties are at an end. You may have the English Land Question, the English Church Question, the Graduated Income Tax Question decided by this application of the closure. You think yourselves safe in the protection of the House of Lords; but it is just possible that at some future time you may not have a House of Lords to protect you. I ask the House to say that it is, on the whole, better that the criminal Irish—the assassins, cattle houghers, and scoundrels of Ireland—should have an additional 10 days' debate upon this Bill, rather than the fair fame of England should be tarnished by the restriction of debate. If you had not proposed this closure, if the feelings of hon. Members had not been irritated, if you had not held the sword of Damocles over our heads, as it were, it is possible that discussions in Committee might have been finished on Friday next. If we are to have the closure on Friday next, what will happen? Members will know they have until Friday, and some will insist upon considering at length one Amendment and others insist upon considering at length another Amendment. For the sake of shooting grouse on the 12th of August you will abridge the liberties of Irish Members. Is that a desirable thing? You can shoot grouse on the 19th of August, and they might be stronger on the wing by the 19th. For the sake of separating on a given day it is proposed to do a thing which will be remembered for all time. I must say that for a great and powerful nation like the English it is not worth while splitting straws with the Representatives of Ireland upon a question of this kind. I have often thought that even if with the Parliamentary Under Secretary (Colonel King-Harman) you consider the Irish Members the scum of the swill tub of Ireland, it would be much wiser of you to adopt a more generous attitude towards the Irish Representatives. You cannot expect, when you mete out time to us in so rigid a manner, but that those who think they have been unjustly treated will kick against the goad. There are in this Bill matters of the greatest importance. I would ask the attention of the First Lord of the Treasury to this. For my part, I have no longer any care to talk about Amendments to this Bill, and if others are of the same way of thinking we might say to the Government—"If you have thoroughly made up your minds not to accept any Amendments from this side of the House, however reasonable they may be, let us know it at once—save us the pains and trouble of moving Amendments next week. Publish a programme as to what you are going to allow us." Here we have in this Bill a large number of the most important questions yet to consider, and yet they ask us to say, or to agree to the proposition, that a week is sufficient to dispose of these matters. The right hon. Gentleman the First Lord of the Treasury—if I may be allowed to say so—has been misled in this matter to a large extent by the Irish Office. I blame Lord Ashbourne, to a large extent, for the mischiefs that have arisen in this Bill. The Government in this House are misled by Lord Ashbourne and the Irish landlords. I see the First Lord of the Admiralty (Lord George Hamilton) laughing. When I refer to Lord Ashbourne I, of course, refer to the whole Irish landlord gang. Many Members of the Tory Party, I believe, were anxious to conciliate Ireland—I do not refer to the First Lord of the Admiralty, who, no doubt, enjoys his little position, such as it is, and will continue to do so as long as he has it; but I do not believe that the noble Lord the Member for South Paddington (Lord Randolph Churchill), the right hon. Gentleman the President of the Board of Trade (Mr. Ritchie), and men of their description, were anxious for this Bill. I believe that a number of the English Tory Party were anxious to have a fresh deal, but the Irish Office were too many for them. I say that the Irish landlords, knowing that they had the Unionists at their back, crammed into this Bill every vile form of coercion they could think of or that they could find in the pigeon-holes of Dublin Castle which may have been lying there for years. I say it is they who are responsible for obstruction and for the wasting of the time of this House. I say that it is the Irish landlord party who are responsible — and one of the principal amongst them is the noble Lord the Member for Rossendale (the Marquess of Hartington), for he is an Irish landlord, or, at any rate, he very soon will be. These are the persons who try and delude the English people about the "glory of the Empire," the "maintenance of the Union," "law and order," and stuff and nonsense of that kind. They talk about these things with their tongues in their cheeks——

MR. SPEAKER: I am sorry to interrupt the hon. and learned Member, but I must point out to him that he is wandering from the subject before the House, which is, whether the date at which the Committee stage shall cease shall be the 17th or 24th instant.

MR. T. M. HEALY: I fully recognize, Mr. Speaker, that you have given me great latitude, and that I was, perhaps, wandering. I would only say, in finishing my remarks, recognizing the justice of your correction, that everybody who lives in Ireland well knows that there is no justification whatever for this Bill and for asking us to spend even another week in discussing the provisions of this Bill. The Government already have obtained all the powers they can possibly want. They have secured the secret inquisition; they have secured the summary jurisdiction; they have secured the special jury and the change of venue. Surely that is enough for them. Is it reasonable to ask us to continues these discussions? Let it come to an end. Speaking as one who spends his time in Ireland, whose fortunes are bound up with those of the poorest of his countrymen—for that is the class to which I belong—I declare it to be a monstrous libel on the Irish peasantry, on the part of the landlord class, to say that they are a bloodthirsty race. They are nothing of the kind. They are as kindly and well-intentioned a race as there is on earth. To say that they are cruel and bloodthirsty is an atrocious libel, and it is for that reason, to a great extent, that we have resisted this Bill in the spirit in which we have resisted it.

Question put.

The House *divided*:—Ayes 268; Noes 113: Majority 115.—(Div. List, No. 216.)

MR. W. REDMOND (Fermanagh, N.): Here rose——

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I am very sorry, Sir, to intervene; but as I understand that the Amendment about to be proposed is not material, I hope the hon. Member will not persist in it, but will allow the Question to be now put. [*Cries of* "Order!"]

MR. SPEAKER: I call upon the hon. Member to move his Amendment.

MR. W. REDMOND: I rise, Sir, for the purpose of proposing an Amendment to the Resolution of the right hon. Gentleman the First Lord of the Treasury. I am bound to say I think it would have been a great deal more courteous on the part of the right hon. Gentleman if he had waited to hear what I was going to propose before rising to make his suggestion. It appears that the practice of closure has now arrived at such a point of perfection that it is not even necessary to hear what is to be said for a proposal before closing the debate upon it. I think the right hon. Gentleman might, at least, have listened to what I was going to propose. The Amendment I propose is in line 3 of the Resolution—that the word "shall" be omitted, in order to insert in its place the words "may, if he thinks fit, having regard to the Rule of Clôture of the 18th of March, 1887." The Resolution, as it stands at the present time, makes it obligatory on the Chairman to put the Question when a Motion to that effect is made. At present under the Rule of Clôture which I propose in my Amendment shall be observed when a Motion is made "That the Question be now put" it is left to the discretion of the Chairman to say whether, in his opinion, it is proper and advisable that the Question be put. According to the Resolution proposed by the right hon. Gentleman the First Lord of the Treasury the Chair has no option at all, but is bound to put the Question when it is proposed from the Treasury Bench. I think, Sir, that it would tend a great deal more to the proper and swift conduct of debate in this House if the closing of debate were left, as at present, to the Chair. There is nothing, to my mind, more clear than that the occupants of the Treasury Bench are, at certain times, goaded on by the cheers and the cries of their followers into moving, without due reason, that the Question be put. In that way many debates have been, and a great many debates may be, closed in an unsatisfactory manner, before the subjects have been at all exhausted. I cannot understand the new-born suspicion and distrust which this Resolution appears to show has suddenly sprung up in the mind of Her Majesty's Government with regard to the discretionary exercise of the vetoing powers of the Chair. I think that the public outside will come to the conclusion that this summary dismissal of the right of the Chairman to say when a debate shall be closed will be traced to the fact that, in the course of the discussion upon the Criminal Law Amendment Bill, the Chairman of Committees considered it his duty on several occasions to refuse the request of the right hon. Gentleman the Leader of the House to close the debate. It certainly is a remarkable fact that when, in March last, the Rules of Clôture were introduced, hon. Gentlemen opposite strongly supported giving to the Chair the right of giving or withholding sanction to the closing of debate, and that we find that the very Gentlemen who supported the proposal to give to the Chairman the right of vetoing closure of debate are now, in a most sudden and summary manner, without any apparent reason, going to deprive the Chair of that right. I do not think the First Lord of the Treasury has any right at all to come down and suddenly, without any Notice, ask us to withdraw that power which in March last he gave to the Chairman of Committees and to yourself. I do not see, Sir, how it can possibly tend towards a more satisfactory conduct of the Business of this House that, instead of allowing the Chairman to exercise his discretion in the closing of debate, that the power should be now vested, for the first time in the history of this House, in a bare majority of the Members of the House. I do not think that it will be denied that there are occasions when, upon both sides of the House, Party feeling and excitement runs high, and I have no doubt that if this Resolution is adopted in its entirety, and my Amendment is not accepted, that the result will be that occasions will arise when, in moments of great excitement, Her Majesty's Government will be prompted and goaded on by their followers unduly to propose the closing of an important debate, and that after that has happened, in cooler moments, when it becomes apparent that the closing of debate is unjustifiable and unwarrantable, and that the matter under discussion was not fully gone into, both the Government and Members of the House, as well as the general public outside, will be very sorry indeed that they sanctioned this Resolution taking away from the Chair the right of deciding whether the discussion has gone far enough, and vesting that right in a majority of the Members of this House. I do not think, Sir, that it is necessary to say anything more on the subject; but I may say this, in conclusion, that to my mind hon. Members who vote against my Amendment to leave still in the hands of the Chair the right of deciding when a discussion shall be closed will be, to all intents and purposes, giving expression to an amount of distrust in the discretion of the Chair which is altogether unwarrantable. All that we ask is that in moments of excitement the decision as to the closing of a debate shall rest in the discretion of the Chair instead of a crude majority of the House. That is a most reasonable proposal, and is not one which should have been met on the part of the First Lord of the Treasury by a proposal to clôture it before it was supported by argument. I think it is a reasonable and fair subject for discussion whether the closure of debate should be left to a bare majority, or whether it should be left, as it is now, to the discretion of the Chair? I sincerely hope that hon. Members will not vote against this very fair proposal.

Amendment proposed, in line 3, to leave out the word "shall," and insert the words "may, if he thinks fit, having regard to the Rule of Closure of the 18th March, 1887."—(*Mr. William Redmond.*)

Question proposed, "That the word 'shall' stand part of the Question"

THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH) (Strand, Westminster): I am unable to accept the Amendment of the hon. Gentleman, and, in saying so, I am sure the House will understand that I do not in the slightest degree express any want of confidence in, or any disrespect towards, the Chairman of Committees. I have no doubt whatever, in my own mind, that the great majority of the House are fully aware that that is a statement which has been fully borne out, and that the Chairman himself will be prepared to endorse it. This Resolution is not based upon any precedent, and it would be altogether inconsistent with the object we have in view to accept the proposed Amendment. We are obliged to adhere to the precise form of the Resolution.

MR. J. O'CONNOR (Tipperary, S.): I think it will to some extent tend to shorten the proceedings if I state to the House that the Amendment I handed in, which bears some resemblance to that now before the House. I shall forego, offering whatever remarks I may have to make upon this Amendment. The Amendment I had to propose dealt with the Rules of the House and with the rights of minorities. The present Amendment, however, will afford me an opportunity of expressing my views as to the proposal of Her Majesty's Government. The Amendment of the hon. Member for North Fermanagh (Mr. William Redmond) is designed with a view of preserving to the Chair that power which the former Rules of this House placed in the hands of the Chair. We have heard it stated in the course of the discussion on previous Amendments how when, in former times, previous Governments thought it necessary to take out of the hands of the House the right of unlimited discussion which it had enjoyed up to that time—we have heard it stated how those Governments acted. I will not weary the House by repeating the statements of right hon. Gentlemen who now occupy the front Government Bench, when a few short weeks ago in proposing the new Rules of Procedure, they expressed their desire to preserve the Rules of the House and the rights of minorities. Now, Sir, according to the Rules existing up to the present moment, it is necessary to declare Urgency for any particular proposal before actually closing the debate. That Rule was embodied in the Resolution that was passed in February, 1881, and which stated in placing the power in the hands of the Chair that—

> "The powers of the House for the regulation of its Business upon the several stages of Bills, and upon Motions and other matters shall be

and remain with the Speaker, until the Speaker shall declare that the state of Public Business is no longer urgent, or until the House shall so determine upon a Motion which, after Notice given, may be made by any Member put without Amendment, Adjournment or Debate, and decided by a majority."

Such was the respect in which the Rules of this House were held, and such the respect for the liberty of speech enjoyed by Members of this House on the part of former Ministers, that they found it necessary to protect it by a special provision in the Resolution, which up to the present time has governed the debates of this House. But not only did former Ministries take good care to place the protection of liberty of speech in your hands, Sir, but they also provided that before the House should surrender its right and liberty a majority of three-fourths of the Members should be in favour of it. Now, however, we have a proposal before us which abolishes all that. Now, liberty of speech is to be abandoned by a bare majority of this House, without the protection of the Chair and without that protection that would be afforded by making it necessary that the abandonment should have the support of a majority of three-fourths of the House. Thus I find that the last vestige of protection for hon. Members in this House and for their right of liberty of speech, and the last vestige of the protection of minorities in the exercise of their liberty, will be swept away by this drastic Resolution or Rule of Procedure, moved by the First Lord of the Treasury. Now, the first time this Rule was proposed in 1881, the House had before it a state of things that does not exist at the present time. At that time there was real, downright obstruction. There was obstruction not only to one single measure such as may exist at the present time to a very limited extent, if at all, but at that time there was obstruction to every measure proposed by the Government—active obstruction by a small and efficient Party in this House. Nevertheless, so much did this former Government respect liberty of speech, that they protected it by this special Rule, and the necessity for this large majority. I will read what was stated by the right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) when he asked the House of Commons to pass the Resolution, a portion of which I have just read. The right hon. Gentleman said—

> "What is the meaning of the language that we hear about the liberties of speech? The liberties of speech! Liberty as to the quality of speech—Yes! Let none endeavour—unless under necessity, which we have never had, and are not likely to have, the faintest glimmer—let none endeavour to narrow the liberal bounds that surround us in that respect. And as to quantity of speech, it must be regulated, not by the fancies of men, but by the necessities of the case, and in accordance with the discharge of the duties which we are sent here to discharge."—(3 *Hansard*, [258] 91.)

Such was the argument of the right hon. Gentleman the Member for Mid Lothian when he found it necessary to propose that Resolution, or Rule of Procedure, which has governed the discussions of this House from that day to this. How about the minorities in this House? They have always, up to the present time, looked to the Chair for protection; but, for the first time in the history of this Institution, they will now find themselves unprotected by any Rule of this House — unprotected by the wisdom of the Chair, and unprotected by that confidence which minorities in this House have always reposed in the Chair. I contend that Her Majesty's Government, in their present proposition, not only do not remain still, but that they are actually performing an act of retrogression by abandoning those rights and liberties and privileges which, up to the present, minorities have enjoyed in this House. I will ask Her Majesty's Government just to hear what was said at the time of which I speak—when this former Resolution was passed—by an hon. Member of this House, one who has since passed away—namely, the late Earl of Iddesleigh, then Sir Stafford Northcote. He, at that time, took great interest in the Rules that were then proposed, and his opinion was very crucially expressed as to the right of liberty of speech and as to the privileges of the minority. He said—

> We must be prepared, if we are to give expression to the opinions of all classes in this country—if we are to be a Representative Body of all classes of the country and the great bulk of the nation, and of those classes who are not directly represented here, but are indirectly represented, and who look to us to plead for their interests—I say we must be prepared to insist, and should not be doing our duty if we did not insist, on retaining those things more than mere forms, which are the substance of the

dignity and honour of Parliament, and which really give life and vigour to our proceedings."

Further on, he said—

> "I do feel it most important not to adopt any measure or any Rules which would place the Party for the time being in a minority at the mercy, not of the Whole House, but of the Party of the majority."—(3 *Hansard*, [258] 105.)

Now, Sir, that is exactly what is sought by the Motion of the right hon. Gentleman the First Lord of the Treasury. It will not only place minorities at the mercy of the Whole House, but it will place them at the mercy of the majority of any Party. Sir, I say that this is a most unprecedented and tyrannical proposition. The right hon. Gentleman the First Lord of the Treasury stated truly in what light we would consider this proposition. He stated that, no doubt, it would be called tyrannical and oppressive. Tyrannical and oppressive it is to the last degree. In proposing this extreme Motion, the First Lord of the Treasury said he did so in accordance with public opinion. Yes, Sir; it is in accordance with manufactured public opinion—public opinion manufactured by speeches outside from Members of Her Majesty's Government, public opinion manufactured by newspapers in the interests of Her Majesty's Government. These newspapers do not scruple at misrepresentation; but they hold up the action of certain Members of this House as calculated to obstruct the Business of the nation when, in reality, those Members are only pleading in the cause of the liberties of their own country. We have been accused by the First Lord of the Treasury of paralyzing Parliament. I deny that emphatically. Take the history of the discussion upon the 1st clause of the Criminal Law Amendment (Ireland) Bill. What was the effect of the discussion upon that clause? Why the clause swelled from a clause of comparatively few lines into a very large and comprehensive clause. I maintain, Sir, that the discussions upon the Coercion Bill cannot by any stretch of imagination be stigmatized as obstructive discussions. The idea only exists in the fancy of the Government. But even if the discussions have been to a certain extent obstructive, there is every reason why they should be so. Why should we be anxious to pass into law rapidly a Bill which strikes at the liberties of our people? Why, at the risk of being considered obstructive, I would——

MR. SPEAKER: Order, order! The hon. Gentleman is not dealing with the specific Amendment before the House, but with the whole subject of the closure.

MR. J. O'CONNOR: I was under the impression that the Amendment which my hon. Friend the Member for North Fermanagh (Mr. W. Redmond) moved dealt with the removal from the Chair of the power of regulating the discussions.

MR. SPEAKER: The hon. Gentleman's Amendment is to restore to the Chairman the discretion which is taken away by the Resolution.

MR. J. O'CONNOR: I was referring to the Rule which has governed the House up to the present time and was endeavouring to draw a contrast between the effect of the proposed Rule as compared with the Rule which has governed the discussions of the House and the Committee of the House up to the present time. However, Sir, I shall not proceed further in that line. I can only express my regret that the First Lord of the Treasury found it necessary to introduce this Rule at all, and I also desire to express my regret that he should so far—I hope it will not be too strong a term to use—misrepresented the action of those Members on this side of the House who have endeavoured to amend the Crimes Bill, as to call their proceedings obstructive. I must also express my regret that the First Lord of the Treasury should have appealed to this, a free Parliament—should have appealed to a free people in the name of liberty to press the Rule he has now proposed. The right hon. Gentleman was not above using the sacred name of Liberty when he failed by fact or argument to establish a case for the passing of the Rule; he appealed to this House to pass the Rule in the name of Liberty. It is not the first time the name of Liberty has been appealed to in the cause of oppression, and this Rule is for the purpose——

MR. SPEAKER: The hon. Gentleman is scarcely discussing the Amendment.

MR. W. H. SMITH: Mr. Speaker, I think I am justified in claiming to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

The House *divided:*—Ayes 258; Noes 91: Majority 167.—(Div. List, No. 217.) [1.10 A.M.]

Question put, "That the word 'shall' stand part of the Question."

The House *divided:*—Ayes 255; Noes 94: Majority 161.—(Div. List, No. 218.) [1.25 A.M.]

MR. W. H. SMITH: I now claim to move, "That the Main Question be now put."

Question put accordingly, "That the Main Question be now put."

The House *divided:*—Ayes 250; Noes 91: Majority 159.—(Div. List, No. 219.) [1.40 A.M.]

Main Question put.

The House *divided:*—Ayes 245; Noes 93: Majority 152.—(Div. List, No. 220.) [1.55 A.M.]

AYES.

Addison, J. E. W.
Ainslie, W. G.
Allsopp, hon. G.
Allsopp, hon. P.
Ambrose, W.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Ashmead-Bartlett, E.
Bailey, Sir J. R.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Balfour, G. W.
Baring, Viscount
Barry, A. H. Smith-
Bartley, G. C. T.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beadel, W. J.
Beaumont, H. F.
Beckett, E. W.
Bentinck, Lord H. C.
Bentinck, W. G. C.
Beresford, Lord C. W. De la Poer
Bethell, Commander G. R.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Col. H. B. H.
Bond, G. H.
Bonsor, H. C. O.
Borthwick, Sir A.
Bridgeman, Col. hon. F. C.
Brodrick, hon. W. St. J. F.
Brookfield, A. M.
Brooks, Sir W. C.
Bruce, Lord H.
Burghley, Lord
Caine, W. S.
Caldwell, J.
Campbell, R. F. F.
Chamberlain, rt. hn. J.
Chaplin, right hon. H.
Charrington, S.
Clarke, Sir E. G.
Coghill, D. H.
Commerell, Adml. Sir J. E.
Compton, F
Cooke, C. W. R.
Corbett, A. C.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cranborne, Viscount
Cross, H. S.
Crossley, Sir S. B.
Crossman, Gen. Sir W.
Curzon, Viscount
Curzon, hon. G. N.
Dalrymple, C.
Davenport, H. T.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dimsdale, Baron R.
Dixon-Hartland, F. D.
Dugdale, J. S.
Duncan, Colonel F.
Duncombe, A.
Dyke, right hon. Sir W. H.
Eaton, H. W.
Ebrington, Viscount
Edwards-Moss, T. C.
Egerton, hon. A. J. F.
Egerton, hon. A. de T.
Elcho, Lord
Elliot, Sir G.
Elliot, hon. H. F. H.
Elliot, G. W.
Ellis, Sir J. W.
Elton, C. I.
Evelyn, W. J.
Ewing, Sir A. O.
Farquharson, H. R.
Feilden, Lieut.-Gen. R. J.
Fergusson, right hon. Sir J.
Finch, G. H.
Fisher, W. H.
Fitzwilliam, hon. W. J. W.
Fitz-Wygram, General Sir F. W.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Fraser, General C. C.
Fry, L.
Gathorne-Hardy, hon. A. E.
Gedge, S.
Gent-Davis, R.
Gibson, J. G.
Gilliat, J. S.
Godson, A. F.
Goldsmid, Sir J.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Goschen, rt. hon. G. J.
Gray, C. W.
Green, Sir E.
Grimston, Viscount
Grove, Sir T. F.
Gunter, Colonel R.
Hall, A. W.
Halsey, T. F.
Hambro, Col. C. J. T.
Hamilton, right hon. Lord G. F.
Hamilton, Lord C. J.
Hamilton, Col. C. E.
Hamley, Gen. Sir E. B.
Hardcastle, F.
Hartington, Marq. of
Hastings, G. W.
Heath, A. R.
Heathcote, Capt. J. H. Edwards-
Heaton, J. H.
Herbert, hon. S.
Hermon-Hodge, R. T.
Hervey, Lord F.
Hill, right hon. Lord A. W.
Hill, Colonel E. S.
Hoare, S.
Hobhouse, H.
Holland, rt. hon. Sir H. T.
Holloway, G.
Holmes, rt. hon. H.
Hornby, W. H.
Houldsworth, W. H.
Howard, J.
Hozier, J. H. C.
Hubbard, E.
Hulse, E. H.
Hunt, F. S.
Isaacson, F. W.
Jackson, W. L.
Jarvis, A. W.
Kelly, J. R.
Kennaway, Sir J. H.
Kenyon, hon. G. T.
Kenyon-Slaney, Col. W.
Kerans, F. H.
Kimber, H.
King, H. S.
King-Harman, right hon. Colonel E. R.
Knowles, L.
Kynoch, G.
Lafone, A.
Lambert, C.
Lawrance, J. C.
Lawrence, Sir J. J. T.
Lawrence, W. F.
Lees, E.
Leighton, S.
Lethbridge, Sir R.
Lewisham, right hon. Viscount
Long, W. H.
Low, M.
Lowther, hon. W.
Macartney, W. G. E.
Maclean, J. M.
Maclure, J. W.
Malcolm, Col. J. W.
Mallock, R.
March, Earl of
Marriott, right hon. W. T.
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Mayne, Admiral R. C.
Mildmay, F. B.
Mills, hon. C. W.
Milvain, T.
Morgan, hon. F.
Morrison, W.
Mount, W. G.
Mowbray, R. G. C.
Mulholland, H. L.
Muntz, P. A.
Murdoch, C. T.
Newark, Viscount
Noble, W.
Norris, E. S.
Northcote, hon. H. S.
Norton, R.
O'Neill, hon. R. T.
Parker, hon. F.
Pearce, W.
Pelly, Sir L.
Plunket, right hon. D. R.
Plunkett, hon. J. W.
Powell, F. S.
Price, Captain G. E.
Puleston, J. H.
Raikes, rt. hon. H. C
Rankin, J.
Rasch, Major F. C.
Reed, H. B.
Ridley, Sir M. W.
Ritchie, rt. hon. C. T.
Robinson, B.
Rollit, Sir A. K.

Round, J.
Royden, T. B.
Russell, Sir G.
Russell, T. W.
St. Aubyn, Sir J.
Sellar, A. C.
Sidebottom, T. H.
Sinclair, W. P.
Smith, rt. hon. W. H.
Spencer, J. E.
Stanhope, rt. hon. E.
Stanley, E. J.
Stewart, M.
Talbot, J. G.
Tapling, T. K.
Taylor, F.
Temple, Sir R.
Thorburn, W.
Tollemache, H. J.
Tomlinson, W. E. M.
Townsend, F.
Tyler, Sir H. W.
Vernon, hon. G. R.
Vincent, C. E. H.
Watson, J.
Webster, Sir R. E.
Webster, R. G.
Weymouth, Viscount
White, J. B.
Whitley, E.
Whitmore, C. A.
Wilson, Sir S.
Winn, hon. R.
Wodehouse, E. R.
Wolmer, Viscount
Wood, N.
Wortley, C. B. Stuart-
Wright, H. S.
Wroughton, P.
Young, C. E. B.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W. H.

NOES.

Abraham, W. (Limerick, W.)
Acland, C. T. D.
Allison, R. A.
Blane, A.
Bright, Jacob
Broadhurst, H.
Burt, T.
Byrne, G. M.
Campbell, H.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Clark, Dr. G. B.
Cobb, H. P.
Commins, A.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Cossham, H.
Crilly, D.
Deasy, J.
Dillon, J.
Dillwyn, L. L.
Ellis, T. E.
Esmonde, Sir T. H. G.
Fenwick, C.
Finucane, J.
Foley, P. J.
Fox, Dr. J. F.
Gill, T. P.
Gray, E. D.
Grey, Sir E.
Harrington, E.
Harrington, T. C.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Healy, T. M.
Hooper, J.
Kennedy, E. J.
Kenny, J. E.
Kenny, M. J.
Lawson, Sir W.
Lawson, H. L. W.
Lewis, T. P.
Macdonald, W. A.
MacNeill, J. G. S.
M'Cartan, M.
M'Carthy, J.
M'Carthy, J. H.
M'Donald, P.
M'Kenna, Sir J. N.
M'Lagan, P.
Mayne, T.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Connor, A.
O'Connor, J. (Kerry)
O'Connor, J. (Tippry.)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Kelly, J.
Pease, A. E.
Pickersgill, E. H.
Pinkerton, J.
Powell, W. R. H.
Power, P. J.
Power, R.
Pyne, J. D.
Quinn, T.
Redmond, W. H. K.
Reynolds, W. J.
Roberts, J. B.
Rowlands, J.
Rowntree, J.
Schwann, C. E.
Sexton, T.
Sheehan, J. D.
Stack, J.
Stuart, J.
Sullivan, D.
Sullivan, T. D.
Tanner, C. K.
Tuite, J.
Will, J. S.
Williams, A. J.
Williamson, J.
Wilson, H. J.

TELLERS.
Biggar, J. G.
Sheil, E.

Ordered, That, at Ten o'clock p.m. on Friday the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the Whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair. He shall next proceed and successively put forthwith the Questions, That any Clause then under consideration, and each remaining Clause in the Bill, stand part of the Bill, unless Progress be moved as hereinafter provided. After the Clauses are disposed of, he shall forthwith report the Bill, as amended, to the House.

From and after the passing of this Order, no Motion That the Chairman do leave the Chair, or do report Progress, shall be allowed, unless moved by one of the Members in charge of the Bill, and the Question on such Motion shall be put forthwith.

If Progress be reported on the 17th June, the Chairman shall put this Order in force in any subsequent sitting of the Committee.

ORDER OF THE DAY.

——o——

CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. Arthur Balfour, Mr. Secretary Matthews, Mr. Attorney General for Ireland.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That this House will, upon Monday next, resolve itself into the Committee on the Bill."—(*Mr. A. J. Balfour.*)

MR. T. M. HEALY (Longford, N.): I beg to move that the Bill be set down for to-morrow (Saturday). I think that as we are to have the Bill reported next Friday, the very least we can ask is that the Bill should be taken to-day. It would be too much to go on with the Bill now—the officers of the House deserve some consideration at our hands—but it would be reasonable to consider the measure again to-day. Seeing that Saturday is an off-day, I do not think anybody will grudge the Irish Members the opportunity of considering the Bill to-day. Even the noble Marquess the Member for Rossendale (the Marquess of Hartington) will not grudge the Irish Members a Saturday Sitting for the discussion of this Bill. I, therefore, trust the Government will see their way to consent to a Sitting to-day. There is, perhaps, one obstacle in the way, but I do not think the House will regard it as insurmountable, and that is the Naval Review at Portsmouth. The Irish Members are quite willing to save the time of the nation and preserve the dignity of the House by going on with the Bill to-morrow, when really you cannot say you have any other Business to transact. What is the objection to take the Bill to-morrow? My Motion will test the sincerity, the *bona fides*, of Members of the House who talk about their sacrifices. Are you prepared to sacrifice the Naval Review? We shall see whether you prefer your Buffalo Bill programme to the Business of the House. I beg to move the omission of "Monday," and the insertion of "To-morrow."

Amendment proposed, to leave out the words "upon Monday next," in order to insert the word "To-morrow,"—(*Mr. T. M. Healy*,)—instead thereof.

Question proposed, "That the words 'upon Monday next,' stand part of the Question."

Mr. W. H. SMITH: I am unable to accept the suggestion of the hon. and learned Gentleman; indeed, I cannot think it is made seriously. Throughout the discussion this evening we have spoken of five days next week, and no reference whatever has been made to a Sitting to-day. It would be most unfair and unjust to the officers of the House to fix a Sitting for to-day, and, therefore, I must refuse the proposal of the hon. and learned Gentleman.

Mr. CHANCE (Kilkenny, S.): I very much regret the First Lord of the Treasury, now he has got his Motion, has shown with what little fair-play he desires the House should treat us. We are fighting for the liberties and the fortunes of our people. We are fighting to prevent in future atrocities such as have occurred at Glenbeigh and Bodyke; we are fighting that old women shall not be batoned by your policemen. We want every hour between this and Friday next at 10 o'clock. What is the answer we receive? Virtually, it is that there is a Naval Review to-morrow which hon. Members wish to witness. Hon. Members who were returned pledged to do justice to Ireland will not sit this day, will not give up the miserable spectacle at Portsmouth to-day, and thus enable us to defend the liberties of our people. ["Oh, oh!"] It is very easy to cry "Oh, oh!" but they will not give up this miserable Review in order that we may do something to mitigate the evils of this Bill, and discuss many important questions which still remain to be discussed. I must say I thought some Members of the House would have had fair-play enough in them to agree to sit to-day. The First Lord of the Treasury has told us we said nothing earlier in the evening about a Saturday Sitting. We said something about extending the time till the 24th instant, and we were met with the statement that, owing to the state of Public Business, such an extension of time was impossible. There is no Public Business to be transacted to-morrow except the Naval Review. The Motion of my hon. and learned Friend is one which recommends itself.

Mr. CONYBEARE (Cornwall, Camborne): I am surprised that the natural sense of humour which the Leader of the House (Mr. W. H. Smith) possesses should have induced him to suppose that this Motion was not made in a serious spirit. I do not know whether it was made in a serious spirit or not; but I can only assure the right hon. Gentleman I rise in a serious spirit to support it. Whatever the spirit of self-sacrifice which hon. Gentlemen opposite are so fond of talking about may be, I am perfectly prepared to sacrifice the 17*s.* I have paid for a ticket for the special train to-day. I have a great regard for the courtesy of the noble and gallant Lord (Lord Charles Beresford) who has invited us to take part in this Review, and I take great interest in naval tactics and the benefit which will result from the Review; but I have a far greater regard for the dignity of this House. I think that, in view of the revolutionary tactics of the First Lord of the Treasury, it is our bounden duty to do what we can to mitigate the viciousness of the precedent he is setting up. I am perfectly willing to have a continuous Sitting until 10 o'clock on Friday next. The First Lord of the Treasury, with that admirable innocence which becomes him so well—[*Cries of* "Divide!"]—with that—[*Renewed cries of* "Divide!"]—with that—[*Renewed cries of* "Divide!"] I ask, what have we to think of the sincerity of the First Lord of the Treasury—[*Cries of* "Divide!"]—the First Lord of the Treasury—[*Renewed cries of* "Divide!"]—the First Lord of the Treasury—[*Renewed cries of* "Divide!"] ——

Mr. W. H. SMITH: Mr. Speaker, I beg to ask you if the hon. Gentleman is speaking to the Question before the House?

Mr. SPEAKER: I regret the whole tone of this debate. I regard the tone in which the debate on this subject is conducted as a disgrace to the House.

Mr. W. H. SMITH: I claim to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

The House *divided*:—Ayes 202; Noes 73: Majority 129.—(Div. List, No. 221.) [2.10 A.M.]

Question put, "That this House will, upon Monday next, resolve itself into the said Committee."

The House *divided*:—Ayes 203; Noes 72: Majority 131.—(Div. List, No. 222.) [2.25 A.M.]

MOTION.

ADJOURNMENT OF THE HOUSE.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. W. H. Smith.*)

Mr. T. M. HEALY (Longford, N.): I see no reason whatever for this proposal on behalf of the Government. We are often told of the serious purpose for which this House exists, and yet we have this Motion made at this early hour of the morning in order to consult the private convenience and private pleasure of hon. Gentlemen. These are the Gentlemen who talk about their sacrifices to the country. I should like to know what reason the Government have to-night above any other night for moving the adjournment of the House without going through the Orders of the Day? They offer no explanation why they make this Motion. The whole series of Orders are to be gone through; and we shall be told on another occasion that some of these Orders are of the utmost importance. If these Orders are of the utmost importance on other occasions, they are of the utmost importance now. What is the reason the Government consider hon. Members should no longer be kept up? When the Government want to make progress with coercion, they are ready to sit until 4 o'clock in the morning; but when they want to go to a Naval Review, they can move the adjournment of the House at half-past 2 o'clock. This is the measure of the seriousness of the Tory Party. We hear a great deal about the degradation of the House of Commons ——

Mr. W. H. SMITH: Mr. Speaker, I claim to move, "That the Question be now put."

Question put accordingly, "That the Question be now put."

The House *divided*:—Ayes 203; Noes 71: Majority 132.—(Div. List, No. 223.) [2.40 A.M.]

Question put, "That this House do now adjourn."

The House *divided*:—Ayes 203; Noes 71: Majority 132.—(Div. List, No. 224.) [2.55 A.M.]

House adjourned at ten minutes after Three o'clock till Monday next.

HOUSE OF LORDS,

Monday, 13*th June*, 1887.

MINUTES.]—Public Bill—*Committee*—Irish Land Law (106-122).

Provisional Order Bills—*First Reading*—Local Government (Poor Law) (No. 3)* (118); Local Government (Gas)* (119); Local Government (No. 2)* (120).

Second Reading—Commons Regulation (Ewer)* (108); Commons Regulation (Laindon)* (107).

Committee—Report—Pier and Harbour* (103).

CENTRAL ASIA—AFFAIRS OF AFGHANISTAN.—QUESTION.

The Earl of ROSEBERY: I rise to ask the Secretary of State for India a Question of which I have given him private Notice, Whether he has any information to communicate to the House with respect to affairs in Afghanistan?

The SECRETARY of STATE for INDIA (Viscount Cross): I am always very happy to communicate any information I may have on this as well as other matters, especially with regard to Afghanistan, where rumours are so rife in public prints that one hardly knows what is going on. I am afraid my answer at present will not be very satisfactory to the noble Earl; but the

Viceroy telegraphed on the 2nd of June that no fighting had recently occurred between the Ameer's troops and the Ghilzais, and so recently as the 9th instant Lord Dufferin reported that there did not seem to be much change in the position of affairs.

IRISH LAND LAW BILL.—(No. 106.)

(*The Lord Privy Seal, Earl Cadogan.*)

COMMITTEE.

House in Committee (on Re-commitment) according to Order.

Equitable Jurisdiction

Clause 20 (Power of court to stay eviction).

Lord FITZGERALD said, he rose to move an Amendment to the clause which would have the effect of preventing landlords from evading the equitable jurisdiction intended to be given by the clause by having recourse to an action for the recovery of rent instead of to an action of ejectment, and thus rendering the equitable jurisdiction of the Court inoperative. If a landlord had two tenants each owing £50, he might bring an action of ejectment for non-payment of rent against one, and the tenant in that case would be entitled to relief under the equitable jurisdiction of the Court. But the landlord, in the case of the other tenant, might bring an action for recovery of rent, obtain a speedy judgment, issue execution, and sell the tenant's interest or purchase it in at a nominal price. The tenant so proceeded against would not be entitled to equitable relief. There appeared to be no good reason why one of these tenants should be entitled to equitable relief more than another, and his Amendment sought to remove the objection in this respect.

Amendment *moved*, in page 12, line 15, after ("recovery") to insert ("of the rent".)—(*The Lord Fitzgerald.*)

The LORD PRIVY SEAL (Earl Cadogan) said, he could not accept the Amendment. It imposed an undue limitation that would defeat the object of the clause.

Lord HERSCHELL, in supporting the Amendment, said, that the object of the clause was to enable the County Court Judge to exercise an equitable jurisdiction of restraint when a landlord was harshly exercising his power. If the landlord wished to exercise his right unreasonably and harshly, the Government left open to him a means of so doing which would absolutely destroy the object of the clause. The landlord could bring his action for non-payment of rent and could sell the tenant's interest without interference. That was a course not unfrequently adopted, and would, at the present moment, be universally adopted by harsh landlords in order to effectually dispose of their tenants, unless the Amendment was adopted. The clause would be absolutely valueless, if landlords would never proceed by action for ejectment, but by action for recovery of rent.

The LORD CHANCELLOR of IRELAND (Lord Ashbourne) said, that the clause was intended to deal with the landlords in the exercise of their special power as landlords. The Amendment took up very different grounds, and proposed to tie the landlord's hands when they put in force the remedy of ordinary creditors. This, while tying the hands of the landlords, would leave ordinary creditors free.

Lord FITZGERALD said, that he wished to prevent this clause—admirably devised for the good of the tenant —from being rendered of no avail. As had been pointed out unless the Amendment was accepted, landlords, instead of bringing actions of ejectment, would bring actions for recovery of rent, and thus escape the equitable jurisdiction. He, himself, had had occasion to try 13 cases in one day, in which a noble Lord brought actions for recovery of rent, secured judgment, and obtained from the Sheriff conveyances of the tenants' interests, thereby gaining in one day absolute control over the interests of the tenants. If this Amendment was not accepted the clause would be a delusion.

Earl SPENCER said, he hoped their Lordships would not be guided entirely by the arguments used by the noble Earl opposite (Earl Cadogan) and the noble and learned Lord the Lord Chancellor of Ireland. There was a great deal to be said in favour of the Amendment. The fact was, that if these proceedings became at all common in Ireland the benevolent intentions of Her Majesty's Government would really be defeated; because landlords, instead of proceeding as they did now by means of ejectment for non-payment of rent, would adopt the other course, and in that case the beneficial intention of this clause would be entirely lost. He hoped the Government would not absolutely refuse to accede to the Amendment, but would consider it really in the interest of their own Bill. If they did not, the operation of this clause might be made nugatory.

The PRIME MINISTER and SECRETARY of STATE for FOREIGN AFFAIRS (The Marquess of Salisbury) said, that the object of the Bill and the Government was to deal with an evil which existed and which was very conspicuous. That evil had done, and was at present doing a great deal of harm. It was the tendency of a very small number, but still of a certain number, of Irish landlords to have recourse to evictions which, though just in law, were unreasonable and harsh in practice. That was the evil with which the Bill dealt. No one denied that it existed. But now they were asked to extend the Bill to an evil which did not exist, or that did not exist to any noticeable extent. They were asked to deal with a possible action on the part of landlords to obtain the same results through a very circuitous and costly process. If they were to be asked to do this, he must ask the noble and learned Lord opposite (Lord Fitzgerald) whether his Amendment went far enough? If the tenant was to be prevented, in all circumstances, from having his holding sold in satisfaction of his debts, there would not be a vestige or shadow of reason why the landlord should be the sole victim of that process; it must be extended to every tradesman—to the keeper of the whisky shop and to the gombeen man! There was not a shadow of a defence for limiting it to the landlord. The noble and learned Lord did not propose to take that course of extending it. The truth was, they were dealing by this Bill with an exceptional privilege granted to landlords only—namely, the power of evicting for non-payment of rent. They were now invited to go a step further, and to deal with a remedy which was open to all classes of Her Majesty's subjects alike as against the man who did not pay his debts. It was a tremendous demand to make upon them, and he could not imagine the circumstances in which it would be wise to concede it, even if it were made general. But it would be nothing but the grossest and most grotesque partiality to limit it to the landlord alone.

Lord FITZGERALD said, the noble Marquess opposite (The Marquess of Salisbury) did not trouble himself to read the Irish newspapers, or he would see that cases of the kind he had referred to were of frequent occurrence. The Sheriff gave notice of the sale of a holding; a turbulent crowd attended, and eventually, the tenant-right was knocked down at a nominal sum to the landlord. He might also point out that in case an ordinary creditor obtained an execution, he would sell the tenant's right only subject to the payment of the rent due to the landlord, so that the landlord was no loser. The landlord was secured as against the action of an ordinary creditor, and there would be no harm in restraining him from the harsh exercise of his rights. Unless their Lordships accepted the Amendment the clause would be but a sham, and he was certain that their Lordships did not so intend.

Lord INCHIQUIN said, the Bill dealt hardly with landlords in many respects, and they were entitled to some consideration for not opposing it, as they might have done on the second reading. If this clause was altered, as proposed by the Amendment, the effect would be for a long time to prevent landlords getting any rent whatever. The only safeguard they had left was this power of sale.

On Question? Their Lordships *divided*:—Contents 26; not-Contents 128: Majority 102.

CONTENTS.

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Granville, E.
Kimberley, E.
Morley, E.
Spencer, E.
Strafford, E.
Sydney, E.

Oxenbridge, V.
Powerscourt, V.

Boyle, L. (*E. Cork and Orrery.*)
Braye, L.
Burton, L.
FitzGerald, L. [*Teller.*]
Hamilton of Dalzell, L.
Herschell, L.
Houghton, L.
Howth, L. (*E. Howth.*)
Monkswell, L. [*Teller.*]
Ponsonby, L. (*E. Bessborough.*)
Rosebery, L. (*E. Rosebery.*)
Sandhurst, L.
Sudeley, L.
Thring, L.
Vernon, L.
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NOT-CONTENTS.

Halsbury, L. (*L. Chancellor.*)
Cranbrook, V. (*L. President.*)
Cadogan, E. (*L. Privy Seal.*)

Buckingham and Chandos, D.
Grafton, D.
Leeds, D.
Westminster, D.

Abercorn, M. (*D. Abercorn.*)
Bristol, M.
Exeter, M.
Salisbury, M.

Annesley, E.
Bandon, E.
Beauchamp, E.
Belmore, E.
Bradford, E.
Brownlow, E.
Coventry, E.
Dartmouth, E.
Dartrey, E.
Devon, E.
Dundonald, E.
Feversham, E.
Kilmorey, E.
Leven and Melville, E.
Lindsay, E.
Lovelace, E.
Lucan, E.
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Mar and Kellie, E.
Northbrook, E.
Onslow, E.
Orkney, E.
Pembroke and Montgomery, E.
Portsmouth, E.
Ravensworth, E.
Romney, E.
Rosse, E.
Stanhope, E.
Strathmore and Kinghorn, E.
Tankerville, E.
Verulam, E.
Waldegrave, E.
Yarborough, E.

Bangor, V.
Clancarty, V. (*E. Clancarty.*)
Cross, V.
Exmouth, V.
Gough, V.
Hawarden, V. (*E. de Montalt.*)
Sidmouth, V.
Torrington, V.

Bangor, L. Bp.

Abinger, L.
Alington, L.
Ashbourne, L.
Balfour of Burley, L.
Belper, L.
Blantyre, L.
Bolton, L.
Bramwell, L.
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Brougham and Vaux, L.
Calthorpe, L.
Carysfort, L. (*E. Carysfort.*)
Castletown, L.
Chelmsford, L.
Churchill, L.
Clanbrassill, L. (*E. Roden.*)
Clements, L. (*E. Leitrim.*)
Clifton, L. (*E. Darnley.*)
Clinton, L.
Cloncurry, L.
Colchester, L.
de Ros, L.
de Vesci, L. (*V. de Vesci.*)
Deramore, L.
Digby, L.
Dinevor, L.
Ellenborough, L.
Elphinstone, L.
Fermanagh, L. (*E. Erne.*)
Foxford, L. (*E. Limerick.*) [*Teller.*]
Gage, L. (*V. Gage.*)
Grimthorpe, L.
Harris, L.
Hillingdon, L.
Hopetoun, L. (*E. Hopetoun.*)
Inchiquin, L.
Keane, L.
Kenlis, L. (*M. Headfort.*)
Kintore, L. (*E. Kintore.*) [*Teller.*]
Lamington, L.
Lawrence, L.
Leconfield, L.
Lovel and Holland, L. (*E. Egmont.*)
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Shute, L. (*V. Barrington.*)
Sinclair, L.
Stanley of Alderley, L.
Stanley of Preston, L.
Stewart of Garlies, L. (*E. Galloway.*)
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Sudley, L. (*E. Arran.*)
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Templemore, L.
Tredegar, L.
Truro, L.
Tweedmouth, L.
Ventry, L.
Wantage, L.
Watson, L.
Wemyss, L. (*E. Wemyss.*)
Wigan, L. (*E. Crawford and Balcarres.*)
Windsor, L.
Winmarleigh, L.
Zouche of Haryngworth, L.

Amendment *disagreed to.*

On the Motion of The Viscount DE VESCI, the following Amendment made:—In page 12, line 22, after the words ("believing that,") by inserting ("having regard to the interests of both the landlord and the tenant").

LORD CASTLETOWN said, he rose to move an Amendment, the object of which was to provide that in the case of a tenant who was unable to pay arrears of rent, the Court might "upon application by the tenant," order that the arrears of rent and the costs, or such sum in satisfaction thereof as might be agreed on between the parties, should be paid by such instalments as the Court might appoint. The noble Lord argued in favour of the Amendment in connection with another which he had on the Paper calling for a full disclosure of the tenant's affairs and insolvency by means of a filed affidavit. He was of opinion that a tenant should file an affidavit giving a full disclosure to the Court of the particulars of the debts due by him, whether secured or unsecured, his assets, and any interest he might have in his holding.

Amendment *moved*, in page 12, subsection (1), line 25, before the word ("order"), insert ("upon application by the tenant").—(*The Lord Castletown.*)

THE LORD PRIVY SEAL (Earl CADOGAN) said, the noble Lord had given good reasons for his second Amendment, and the Government were prepared to accept it. They could not, however, accept the Amendment just moved.

LORD FITZGERALD said, that a tenant might neither be bankrupt nor insolvent, but still unable to pay at that particular juncture. In that case an extension of time would be highly desirable; but as matters stood the tenant was called upon to make a complicated affidavit. The noble Lord was really anticipating the Bankruptcy Law.

Amendment (by leave of the Committee) *withdrawn.*

LORD FITZGERALD said, he rose to move an Amendment with the object of providing that in the case of a tenant who could not pay his arrear claims the Court might order that the arrears of rent and costs, or such sum in satisfaction thereof as might be agreed on between the parties, "or in default of agreement as shall be fixed by the Court," should be paid by such instalments as the Court might appoint. Such a provision had worked well in the case of the crofters, and in his opinion the powers conferred on the Crofter Commission in this respect should be granted to the County Court Judges in Ireland.

Amendment *moved,* in page 12, line 26, after ("parties"), insert ("or in default of agreement as shall be fixed by the Court.")

EARL CADOGAN said, it might assist their Lordships in the discussion of these clauses, if he stated that it was quite impossible for the Government to give up any part of the equitable jurisdiction which the Bill proposed to invest in the Court of Bankruptcy. A tenant who by reason of his insolvency claimed the assistance of the law rendered himself liable to proceedings in Bankruptcy, and should therefore show the genuineness of his inability to pay rent. The Amendment would introduce a very objectionable distinction which would result in a general and annual revision of judicial rents. Under the circumstances, the Government must ask the House to reject the Amendment.

Amendment *negatived.*

Amendment *moved,*

In page 12, subsection (1), line 27, to add, after the word ("appoint,")—("Upon any such application the tenant shall in the prescribed manner file an affidavit making full disclosure and giving particulars of the debts due by him, whether secured or unsecured, and, if secured, the nature of any such security, and of his assets, whether consisting of money or securities for money, the value of the interest in his holding, his farming stock and chattels of every description, whether in his own hands or in those of any other person on his behalf.")—(*The Lord Castletown.*)

LORD ASHBOURNE said, that in accordance with the promise already given by his noble Friend the Lord Privy Seal (Earl Cadogan), he would accept the Amendment in principle. Its terms would, however, require re-casting, and he would suggest as perhaps the most convenient course that the Amendment so re-cast should be presented on Report. He thought it would be wiser, instead of the words of the noble Lord, to indicate that the affidavit should be in a prescribed form setting forth prescribed particulars which would give the fullest information in order to enable the Court to come to a fair decision.

LORD CASTLETOWN said, he was willing to comply with the suggestion of his noble and learned Friend, and would withdraw his Amendment.

Amendment (by leave of the Committee) *withdrawn.*

THE DUKE OF ABERCORN, in moving, as an Amendment, to insert as a Proviso to the 1st subsection of Clause 20—

"Provided, however, that the execution of the judgment for any balance that may remain due on account thereof shall not be stayed for a longer period than eighteen months from the date thereof,"

said, that the object of the Amendment was to prevent a County Court Judge from having the power to fix an unduly long period for payment of instalments. He might conceivably fix a period as long as 5 years, which would be very inconvenient in the interest of the landlord.

Amendment *moved,*

In sub-section (1), line 27, after ("appoint"), insert ("Provided, however, that the execution of the judgment for any balance that may remain due on account thereof shall not be stayed for a longer period than eighteen months from the date thereof").—(*The Duke of Abercorn.*)

EARL CADOGAN said, he hoped the noble Duke would not press the Amendment. The case put was an extreme one, and where the power was purely discretionary it seemed useless to fix such a limitation. Moreover, the very mention of a period of 18 months might induce the Judge to think that in most cases he ought to give it.

Amendment (by leave of the Committee) *withdrawn.*

THE DUKE OF ABERCORN moved to insert the following Proviso at the end of the section:—

"Provided also, that where the landlord has offered to accept in full satisfaction of the arrears of rent such lesser sum, payable either in one payment or by instalments as the Court shall think reasonable, and the tenant has refused such offer, no stay of execution shall be granted under this section."

The effect of the Amendment would be to induce the landlord to make a reasonable offer to his tenant, and also to deter tenants from refusing or combining together to refuse to accept any fair offer from the landlord. The effect, therefore, would be to prevent litigation.

Amendment *moved*,

In sub-section (1), line 27, after ("appoint"), insert ("Provided also, that where the landlord has offered to accept in full satisfaction of the arrears of rent such lesser sum, payable either in one payment or by instalments, as the Court shall think reasonable, and the tenant has refused such offer, no stay of execution shall be granted under this section").—(*The Duke of Abercorn.*)

THE EARL OF BELMORE said, he should support the Amendment, which, in his opinion, would tend to prevent litigation, and enormous expenditure in the way of costs. The costs in bankruptcy in the now well-known case of "O'Grady *v.* Maroney," were said to be considerably in excess of the rent due. The Amendment of his noble Friend was in no way hostile to the Bill.

EARL CADOGAN said, that any friendly arrangement between a landlord and his tenant calculated to prevent them entering upon legal proceedings undoubtedly must have their best sympathy. On the whole, while he had some doubt as to the wording as to reference of payment by instalments was legal, he was prepared to accept the Amendment, subject to a recasting of the words, if necessary, upon Report.

Amendment *agreed to.*

LORD FITZGERALD said, he begged to move an Amendment to modify the second sentence of the 2nd sub-section of this clause, that it should read thus—

"If default is made in complying with the order of the Court for the payment of the first or any subsequent instalment, the stay upon the execution of the judgment shall be removed, and it may thereupon be executed in due form of law."

The Amendment was intended to meet the case where a tenant, unable to pay the full amount from no fault of his own, was, nevertheless, willing to pay by instalments; if such a tenant failed to pay a subsequent instalment thereupon, the landlord would be entitled to call upon the Court to put him in possession, to eject the tenant, and deprive him entirely of his right to reside there. By a peculiarity of the law in Ireland, this power might operate harshly upon the tenant. The right of execution as at present given to the landlord was unnecessarily hard upon the tenant, and time should be given, seeing that the tenant would be compelled to pay all—interest, principal, and redemption.

Amendment *moved*, in page 12, leave out lines 33 and 34, and insert ("and it may thereupon be executed in due form of law").—(*The Lord Fitzgerald.*)

LORD ASHBOURNE said, that this Amendment was one of great importance, and would, no doubt, commend itself to many. There was a difference, however, between the cases where the time given by the Courts was a long period, such as nine or ten months or a year, and cases where the stay of execution was granted for only a short time. In cases where the time for paying the instalment was only for a few weeks, it was not unreasonable that this stay of execution should be granted. But if they took the case which was far more likely to arise, of a stay of execution for nine or ten months or a year, then it would be a question which would require examination whether the tenant should, at the end of that time, be at liberty to start with the right of six months' further relief.

LORD HERSCHELL said, he thought that if there were two classes of cases so extremely different they might be dealt with differently. What they had to consider was in what position the tenant would be put by this clause. It was desired to make it a real protection to the tenant, and he would point out that if a tenant were only allowed three months by the County Court Judge to pay an instalment which he was really unable to pay, he would be in a worse position than if he had been allowed by the landlord to remain for six months.

EARL CADOGAN said, that, in his opinion, the Amendment was a fair one, and he had no objection, on the part of the Government, to accept it.

Amendment *agreed to.*

Amendment *moved*,

In page 12, at end of sub-section (2), line 38, add—("Provided that upon any such sale all arrears of rent and the costs then due to the landlord shall be paid in full out of the purchase-money, and shall be the first charge thereon.")—(*The Earl of Kilmorey.*)

EARL CADOGAN said, he could not accept the Amendment. It was unnecessary, for the Land Act of 1881 had already made the provision.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

Clause 21 (Jurisdiction in bankruptcy by consent).

THE EARL OF KILMOREY, in moving, in page 13, line 19, after "execution," to omit the following words :—

> "And may, where the holding is subject to a statutory term, fix the rent to be paid for the residue of such statutory term then unexpired, at such moment as, in the opinion of the court, a thrifty and industrious tenant might reasonably be expected continuously to pay,"

said, that there was not a single point in the whole Bill to which there was greater unanimity of objection than to permitting the County Court Judge to tamper with the rents fixed by the Land Commissioners. One peculiarity of our legislation with regard to Ireland was a want of finality which prevented that confidence which ought to be felt in carrying out remedial measures. He would ask Her Majesty's Government not to cause that confusion which would be sure to arise from allowing the Bill before the House to override the Act of 1881. A County Court Judge was a lawyer pure and simple, and probably had no knowledge whatever of agriculture or of the value of land. On the other hand, two at least of the Land Commissioners were supposed to be well versed in the survey and valuation of land. Therefore, it would be very unfair to allow one man to upset the judgment come to by properly qualified persons. If any County Court Judge was allowed to have this unlimited power of revising rent continually, there would be no finality, and the idle and drunken tenant would be more favoured than the sober and industrious. He would appeal to his noble Friend (the Lord Privy Seal) to spare the Irish landlords at least the hardship inflicted by this part of the clause.

Amendment *moved*, in sub-section (2), line 19, omit words ("And may, where holding is subject to a statutory term") to the word ("pay").—(*The Earl of Kilmorey.*)

EARL CADOGAN said, he was sorry to state that the Government had not found opinion more unanimous upon any point in the Bill than on the proposition to which his noble Friend objected. He (Earl Cadogan) stated, when he brought in this Bill, that Her Majesty's Government were very unwilling to give a power to revise any judicial rents fixed by statutory provision. It was with very great reluctance that the words in this paragraph were inserted in the amended clause; but the Government hoped that the effect would be to obviate the liability to renewed insolvency, and the probability of renewed appeal to the jurisdiction of the County Court Judge. There was great force in the contention of his noble Friend, especially with regard to the point to which he (Earl Cadogan) had himself before alluded, that the insolvent tenant would obtain a relief not granted to the solvent tenant. He had also some hope that, if the power of revising the rent were not given after the discharge of the bankrupt, the tenant who had been whitewashed might be better able to pay a given rent than he was at a time when he was overwhelmed by outside debts, far more than by the rent due to the landlord. Therefore, if the Judge, in fixing the rent to be paid, considered the general prospects of the tenant, he might think him unable to pay a rental which, after he was relieved from the burden of his debts, he would be well able to pay. Under all the circumstances, therefore, he had come to the conclusion, not unwillingly, that the Government were prepared to accept the Amendment, which he must say he considered a reasonable one.

LORD HERSCHELL said, that the announcement which the noble Earl (Earl Cadogan) had just made was rather a startling one. He had consented to strike out of this carefully thought provision, which they understood represented the views and intentions of the Government, that which was the very essence of the Bill. It was evident that the only conceivable inducement to a tenant to agree in an application that he should be made bankrupt was that he might obtain some relief in the way of reduced rent. The noble Marquess before now, in answer to some observations of his, contended that it was legitimate, when the tenant was in the position of a bankrupt not through his own fault, that his rent should be revised. But what, according to the noble Marquess, was justifiable in the case of a bankrupt was no longer to be permitted. He gathered from what had been said, that it was intended by the Government to take away the provision as to the fixing of rents from all the bankruptcy proposals.

EARL CADOGAN: Only as regards the residue of the statutory term.

LORD HERSCHELL said, the proposal about to be omitted was a penalty put upon the landlord if he unreasonably refused to concur with the tenant in his application. The Government had declared that there were cases in which a thrifty and industrious tenant could not reasonably be expected to pay the rent fixed, and yet they were taking away the only protection which the tenant had if the landlord refused to make the bankruptcy application to the Court. It was true that there was a provision against the unreasonable refusal of the landlord in respect of a particular rent, but the matter should be settled once for all.

THE MARQUESS OF SALISBURY said, he entirely demurred to the statement that the essence of the Bill was the revision of rents in all cases. The essence of the Bill was to prevent harsh and unreasonable evictions, and it had been stated over and over again that, while the Government adhered, and meant to adhere, to that object, they were, when it had been attained, very much in the hands of the House as to the machinery to be used, and they were willing to listen to objections from all sides. They had already yielded something to noble Lords opposite, and to some of his noble Friends behind him. They wished to be dogmatic on the one point that harsh and unreasonable evictions should be prevented, but they did not wish to be dogmatic on anything else. With regard to the question raised by his noble Friend the Earl of Kilmorey, of revising the rent of the insolvent tenant, he confessed that if he were an Irish landlord he should prefer the clause as it stood, because it would be better for the landlords. But he had very little doubt, from all that had reached him, that the landlords in Ireland almost universally did not think so, and that they were very jealous of the charter given by the Act of 1881, which brought them a great deal of disadvantage and loss. That charter, they urged, should not be interfered with, and no revision of judicial rents should be undertaken. He considered that there was ground for thinking that the provisions of the Bill were the most convenient; but, at the same time, there was a good deal to be said on the other side. It must be remembered, moreover, that the security against the landlord continuing to enforce an impossible rent, if such rent there was, was very great, because the tenant, under the Bill, if the Amendment should be agreed to, would still be able to institute proceedings, the end of which would be that his rent would be compulsorily compounded, and that the rent, if excessive, would be reduced on each occasion. On each occasion there would be costs, which, of course, if the tenant had been the reasonable, and the landlord the unreasonable party, would inevitably be placed upon the landlord. It was, therefore, the landlord who had the greatest possible motive in considering whether the rent was reasonable or not. Was there any hope, if they gave this power to the County Court Judge, that it would be within his reach so to foresee what would occur in future years, that he would be able to fix another rent which would not be liable to the same mutability of human affairs by which it was alleged that former rents had been affected? They were told by the head of the Commission (Earl Cowper), and by the Commissioners, that there were certain causes which had made the state of things now so difficult that in many cases rents pressed harder than the Commissioners intended them to do. These causes had operated against the power of the tenant to pay his rent; but would they not operate in the future? He felt that in the case of those tenants who were just on the verge of subsistence there was something disparaging in the process of fixing a rent which was to last across all vicissitudes for a considerable number of years; and he could well understand the feelings of the Irish landlords that as the principle had been adopted, as against free contract, of estates managed under the supervision of the Court, it was better, on the whole, instead of trying to fix rent for a future term of years, to which they would not be able to adhere, to leave the matter under the control of the County Court Judge, and open to constant appeal to him, and with abundant power in his hands, to make either landlord or tenant pay the penalty if their conduct had been unreasonable, and if they had not been willing to submit to inevitable changes, which the seasons or the condition of affairs had produced. So long as harsh and unreasonable evictions were prevented, he would not insist upon any particular machinery.

THE EARL OF KIMBERLEY said, he felt bound to express the feeling of surprise he experienced at the action of the Government. This constant power of appeal to the County Court Judge would produce a state of confusion all over Ireland. But it should be borne in mind that it was not the Opposition who took the first step in re-opening this matter. The Commission presided over by Earl Cowper, and which was appointed by the Government, had placed it on record that there were at the present moment a large number of judicial rents fixed too high, which the tenants were unable to pay. From that fact they could not escape. It was a position of extreme difficulty, he admitted; but to dangle before the Irish tenants the remedy which the clause contained, and then to withdraw that remedy in deference to the wishes of the landlords, and provide for a constant power of appeal to the County Court Judge, which the noble Marquess had himself stated was a worse provision than the one now abandoned —this action of the Government was vacillating and dangerous, and there could be nothing more likely to increase the confusion. The noble Marquess had endeavoured to show that the tenant would be in no worse position under the clause as it was now proposed that it should stand; but he thought, even on the noble Marquess's own showing, the position would be very much worse.

THE EARL OF NORTHBROOK said, that his noble Friend should remember that they on that side of the House were responsible for the Act of 1881. He did not agree with the noble Earl who had just spoken, who was putting every possible difficulty in the way of the Government. He thought the Lord Privy Seal had done rightly to agree to the omission of the words. He agreed that if they were to deal with judicial rents, they must not deal with them in such a way as to demoralize the whole tenantry of Ireland; but such demoralization would result rather from the clause as it stood than from the Amendment. The position taken up by the Government was perfectly logical and right, that they should provide a temporary remedy, and should not attempt through bankruptcy to revise the rents fixed under the Act of 1881. They were right, therefore, in accepting the Amendment. He complained of the conduct of his noble Friends in trying to put difficulties in the way of the Government.

LORD HERSCHELL thought the noble Earl who had just spoken was rather hard upon the Leaders of the Opposition in suggesting that they were factious, because they preferred the original form of the Bill, which the Leader of the House thought the best, to the form which the Amendment would give to it. His own objection to the provision altogether was that it would tend to demoralize tenants, but in a sense different from that in which the noble Earl had used the word—namely, by making bankruptcy the only channel of relief; and this was not altered by the Amendment.

LORD CASTLETOWN said, he could not imagine anything more dangerous than to tamper with judicial rents, and two of the most important witnesses examined by the Commission were strongly of opinion that these rents should not be interfered with.

THE EARL OF BELMORE said, that many of their Lordships had supported the second reading of the Bill, on the ground that there had been harsh evictions, which were to be put an end to, but on the understanding that there was to be no further revision of judicial rents. If tenants were driven into bankruptcy it would not be solely on account of their rents, but largely through their other debts. In the majority of cases, relieved of other debts, they would be able to pay the moderate rents fixed by the Commissioners. There was strong ground for the feeling that if the words objected to remained in the clause, many tenants would go into bankruptcy simply in order to get their rents reduced. The temptation to do so would be one which they would not be able to resist. Before 1881, the normal number of estates in Ireland having Receivers over them did not exceed 500. There were now between 1,200 and 1,300 estates under the jurisdiction of the Court of Chancery, and the number was increasing every day. This fact showed what strong reason there was for not tampering any further with judicial rents. In cases in which they were unduly high, most landlords would willingly give temporary abatements. He rejoiced that the Lord Privy Seal had assented to the Amendment.

THE EARL OF DUNRAVEN: My Lords, as the Government have agreed to take these words out, in deference to what they understand to be the universal opinion of Irish landlords, I wish to say that I, for one, do not entirely object to these words. If the Bankruptcy Clauses are to be of any real avail, it appears to me that as the Bill stands words to this effect must be formulated in those clauses. As the Bill was originally brought in, either a landlord or a tenant could petition; as it is now, it requires that the landlord and the tenant must join together to petition. The result of this would be, that where a tenant is really bankrupt, he will be made a bankrupt; but that if he is not bankrupt—and it would be to the immense advantage of the landlord that he should be bankrupt—the tenant will object, and no penalty will be placed on the tenant. I do not know whether it is the object of the Government to make the Bankruptcy Clauses really work and act; but of one thing I am perfectly certain, that if no such power as this is contained in them the Bankruptcy Clauses will be absolutely a dead letter, and that will be a great misfortune. I was convinced that the Bankruptcy Clauses, as originally introduced, would be of great advantage to the landlords of Ireland. I confess also that I think it is unfortunate that these words, having been put in the Bill, should be taken out of it, because it will inevitably appear that the position of the tenant is this—that he is to go on in his holding subject to a rent such as a thrifty, industrious, and well-meaning tenant cannot possibly pay. That is an unfortunate construction to be put on the wording of an Act of Parliament. As the Bill stood, it was not necessary for the landlord and the tenant to join together. But I do not mean that I entirely agree with the words as they now stand. What I think ought to have been done was to give the County Court Judge power, wherever he thought it necessary, to refer a case to the Sub-Commissioners, and leave it to them to settle the statutory rent. I think that if words to that effect were put into the Bill it would be a very great advantage. The alternative proposal is a very painful one. What the tenants have to do, if they are required to pay a rent which they really and honestly cannot pay, is to be continually coming up as bankrupts, and getting themselves cleared, and being started again at rents they cannot pay. I think the County Court Judges ought to have been given power to refer a case to the Land Commissioners when, in their opinion, the insolvency of the tenant was owing to a rent which had become excessive.

Amendment *agreed to.*

On the Motion of The Earl of ERNE, the following Amendment made:—In Sub-section (2.) line 26, for ("may"), substitute ("shall on the application of the landlord").

Clause, as amended, *agreed to.*

THE EARL OF KILMOREY said, he proposed after Clause 21 to insert a new clause providing that a tenant should be compelled, on applying for a petition in bankruptcy, to file an affidavit stating the nature, amount, &c., of his debts and his assets. His object was to assimilate the procedure with the ordinary procedure in bankruptcy.

Amendment *moved,* to add after Clause 21—

"22*a*. A tenant presenting a petition for adjudication against himself shall, with his petition, file an affidavit in the prescribed form, and shall furnish a copy thereof to the landlord or his agent, setting forth the names, addresses, and occupations of his creditors, the amounts respectively due to them, and the particulars thereof, and specifying whether they are secured or unsecured creditors, and, if secured, the nature and value of the security. He shall also in his said affidavit set forth particulars of his assets of every kind, whether consisting of money, debts due to him, farming stock and utensils, or other chattels or other property of any description, with the value of the same. He shall also state where all such chattels are. He shall specify in his said affidavit the estimated value of his interest in his holding or holdings, and if any part of his assets consist of money, or of securities for money in the hands of any trustee or other person for any purpose, he shall in his said affidavit disclose full particulars of the same, including the name of such trustee or other person, and the date when such money or securities for money was or were so placed in the hands of such trustee or other person. And if at any time it shall be proved to the satisfaction of the Court that there is any wilful or fraudulent mis-statement or concealment in or omission from such schedule, the Court may order the petitioner to be imprisoned for any term not exceeding six calendar months, with or without hard labour, as the Court shall think right."—(*The Earl of Kilmorey.*)

EARL CADOGAN said, he was informed that the Rules of Court would apply to these proceedings, and it would be much better to leave the matter there than to burden the Bill with details of that kind.

Amendment (by leave of the Committee) *withdrawn.*

THE EARL OF BELMORE moved a new clause providing that the adjudication of any person under the Act should operate *ipso facto* as a release and discharge of all property of the bankrupt from every mortgage, charge, security, and lien, whether legal or equitable, to which at the date of adjudication any person may be entitled on the real or personal property of the bankrupt, every such person to rank as an unsecured creditor only, said, that it might seem a strong measure to level mortgages, but the object was to prevent fraud. This might happen—a dishonest tenant might wish to favour some of his creditors, and he would borrow on mortgage what would pay them in full, and afterwards go into bankruptcy, leaving the landlord and other creditors whom he disliked out in the cold. He would leave the Amendment in the hands of the House and of the Government.

Amendment *moved,* to add, after Clause 21—

"21B. The adjudication of any person under this Act shall ipso facto operate as a release and discharge of all property of the bankrupt from every mortgage, charge, security, and lien, whether legal or equitable, to which at the date of adjudication any person may be entitled on the real or personal property of the bankrupt, or any part thereof, and every such person shall rank as an unsecured creditor only, for his debt or the amount due to him pari passu with the other creditors of the bankrupt, whether he shall prove for his debt or the amount due to him or not."—(*The Earl of Belmore.*)

LORD FITZGERALD said, he should oppose the clause. He thought that the noble Earl could hardly have conceived the consequences of it.

THE LORD CHANCELLOR (Lord HALSBURY) said, the effect of this new clause might be that any two persons in the relation of landlord and tenant might come to an agreement between themselves to do away with the property. Its operation would be signally unjust, although he did not deny that there was an evil against which the noble Earl was attempting to provide a somewhat harsh remedy. The clause could not be accepted by the Government.

THE EARL OF BELMORE said, that he did not quite follow his noble and learned Friend (Lord Fitzgerald). He could not always agree with him as to what was equitable and inequitable, as, for instance, the other night, as regarded a point on the leaseholder question. He would not press the Amendment; but he hoped that the Lord Privy Seal would consider the matter before Report, and bring up something himself.

Amendment (by leave of the Committee) *withdrawn.*

Clause 22 (Power in certain cases to continue tenant in his holding, notwithstanding bankruptcy).

THE EARL OF MILLTOWN, in moving an Amendment providing that the Court might permit a debtor to remain in occupation of his holding on payment of "his rent," and not "a reasonable rent to be fixed by the Court," as stated in the clause, said, that the judicial rent was supposed to be a fair rent; but by introducing the word "reasonable" in the clause the Government seemed to indicate to the tenantry of Ireland that the rents they were paying were unreasonable and too high. He should have thought that when the Lord Privy Seal accepted the Amendment of his noble Friend behind him he would accept the present Amendment.

Amendment *moved,* in page 14, line 3, leave out ("reasonable"), and insert ("his").—(*The Earl of Milltown.*)

EARL CADOGAN said, the Government could not accept the Amendment, as the Government did not think it would be possible to insist on the payment of the existing judicial rents in every case of the kind.

On Question, "That the words proposed to be left out stand part of the Clause?"

Their Lordships *divided*:—Contents 92; Not-Contents 38: Majority 54.

On the Motion of The Earl of Erne, the following Amendment made:—In page 14, lines 25 and 26, leave out ("and any land improvement charge or drainage charge").

On the Motion of The Duke of Abercorn, the following Amendment made:—

In page 14, line 40, omit the following words:—("When the court grants a certificate of conformity to a bankrupt who has been permitted to remain in occupation of his holding, the court may, if the holding is subject to a statutory term, fix the rent to be paid for the residue of such statutory time then unexpired, at such amount as, in the opinion of the court, a thrifty and industrious tenant might reasonably be expected continuously to pay.")

Amendment *moved*,

At end of Clause 22, to add after ("holding") —("If any creditor or any bankrupt under this Act, or other person shall conceal, or attempt to conceal, or aid in concealing or attempting to conceal, any part of the bankrupt's property, or being in possession of any property or money or trust, or as agent for the bankrupt, shall refuse to deliver up the same, or to give full information concerning the same when required, every person so offending shall, in addition to all other penalties, forfeit and pay for every such offence the treble value of such property so concealed or attempted to be concealed, or not delivered up, or concerning which full information shall not be given, and the court, on the application of the assignees, in a summary manner may make an order for the payment of the same by the person so offending, which order may be enforced in the same way as a decree for the payment of money is now by law enforceable, or the assignees may sue for and recover such penalty in the High Court of Justice in Ireland, and half the money so recovered shall be paid to or among the person or persons, if more than one, equally, whose evidence, the court shall be of opinion, materially assisted in the discovery or proof of the offence, and the other half shall be paid to the creditors of the bankrupt, other than any offender under this section, in proportion to their respective debts, and irrespective of any compensation they may have received.")—(*The Lord Castletown.*)

Earl CADOGAN said, he could not accept the proposed addition to the clause. The question was already dealt with in the Act of 1872.

Amendment (by leave of the Committee) *withdrawn.*

Viscount DE VESCI, in moving, as an Amendment, to add at the end of the clause—

"If in any case where a composition of a tenant's debts has received the sanction of the court any of his creditors should at any time hereafter, either directly or indirectly, take or receive any money, effects, property, or value whatever in respect of the unpaid portion of his claim or debt, save under and with the sanction of the court, such creditor shall be liable to a fine of £200, and one-half of such fine shall be paid to the person or persons whose evidence, in the opinion of the court, may have led to the disclosure and proof of the offence,"

said, his object was to protect the poor and ignorant tenant from a class of men who were his worst enemies, the gombeen man and the village usurer. He was confirmed in the opinion that such protection was necessary by some of the most experienced men in Ireland, the managers of local banks.

Amendment *moved*,

In page 15, line 14, at end of Clause 22 add—("If in any case where a composition of a tenant's debts has received the sanction of the court any of his creditors should at any time hereafter, either directly or indirectly, take or receive any money, effects, property, or value whatever in respect of the unpaid portion of his claim or debt, save under and with the sanction of the court, such creditor shall be liable to a fine of two hundred pounds, and one-half of such fine shall be paid to the person or persons whose evidence, in the opinion of the court, may have led to the disclosure and proof of the offence.")—(*The Viscount De Vesci.*)

Lord ASHBOURNE said, that a creditor who would do what the provision of the noble Viscount was intended to guard against would be guilty of a gross fraud under the existing Bankruptcy Law; and, in his opinion, no new legislation was wanted on the subject. But if the noble Viscount was advised that something was required to be done he should be glad to consult with him.

Viscount DE VESCI said, that the noble and learned Lord must know that in the small villages the poor man was entirely in the hands of that class of creditors to which he had referred.

Lord FITZGERALD said, he was glad that attention had been called to the subject. When a poor man wanted fresh credit, the gombeen man would say to him—"I will give it to you, provided you pay the balance of the former debt?"

Earl CADOGAN said, the matter would be considered.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

Clause 23 (Power to appoint additional staff of judges for bankruptcy) *agreed to.*

Clause 24 (Sittings) *agreed to.*

Clause 25 (Summary punishment for perjury and fraud).

Lord HERSCHELL said, he would move to omit the clause, on the ground that if a man swore falsely to his knowledge, that was wilful and corrupt perjury. That he understood; but he did not understand what was meant by "swearing or affirming what shall be false." If the swearing was not false to the man's knowledge, it was not wilful and corrupt perjury. By the clause no opportunity was afforded to the witness to call evidence or employ counsel; and it enabled the Judge, who might be irritated at the way in which the testimony was being given, to decide that it was false, and to summarily punish. To enable a Judge in Bankruptcy to commit to prison one who might be only a witness, without having any opportunity of meeting the charge, was a very strong and oppressive proceeding.

Amendment *moved,* To leave out Clause 25.—(*The Lord Herschell.*)

Earl CADOGAN said, that the Government would consider the wording of the clause on Report, to meet the view of the noble and learned Lord; but they could not consent to leave it out altogether.

Lord HERSCHELL said, that as his object had been gained he would withdraw the Amendment.

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 26 (Officers) *agreed to.*

Clause 27 (Appeals) *agreed to.*

The Earl of LEITRIM moved to insert after Clause 27 a new clause, providing that the Act should apply to all leases and grants of land in perpetuity made to any person previous to the passing thereof, and under which, or under the provisions of any Act of Parliament by virtue of which the same was made, the grantor or the grantee is entitled from time to time to require the variation and revision of the variable rent payable under such leases or grants.

Amendment *moved,* after Clause 27, page 16, insert the following Clause:—

(Perpetuity leases. Variable rents.)

"This Act shall apply to all leases and grants of land in perpetuity made to any person previous to the passing hereof, and under which, or under the provisions of any Act of Parliament by virtue of which the same was made, the grantor or the grantee is entitled from time to time, and at the expiration of certain periods of time, to require the variation and revision of the variable rent payable under such leases or grants; and in every such case the following provisions shall be in force and have effect with respect to the variation and revision of such variable rent, and shall supersede and be in substitution for all and every the provisions in that behalf contained in such leases or grants and in any Act of Parliament with reference thereto:

"(*a.*) The grantor or grantee shall be entitled six months before the expiration of any prescribed period to require a revision of such variable rent, and to apply to the court to fix the same, and in such case the party desiring the revision shall serve a revision notice upon the other party;

"(*b.*) In every case where, before the passing of this Act, any revision of such variable rent has taken place in pursuance of the leases or grants, or of any Act of Parliament with reference thereto, the grantor or grantee may at any time within the prescribed period serve a revision notice upon the grantee or grantor, as the case may be, and in such case the prescribed period then current shall be deemed to have expired at the gale day next after the end of six months from the service of such notice;

"(*c.*) Whenever the grantor or grantee has served a revision notice, and the parties agree within three months after service of such notice as to what shall be the amount of variable rent to be payable during the prescribed period next following, they may fix the amount of the variable rent to be payable during such prescribed period;

"(*d.*) Whenever the grantor or grantee has served a revision notice, and the parties do not within three months after the service of such notice agree as to what shall be the amount of the variable rent to be payable until the variation and revision of such variable rent next following, then and in every such case the amount of the variable rent to be payable until the variation and revision of such variable rent shall be fixed by the court in accordance with the provisions contained in this Act;

"(*e.*) Before fixing the variable rent of any such lands the court shall take evidence as to the then letting value of such lands, and such value is herein-after referred to as 'the present letting value,' and shall take evidence as to the letting value of such lands at or about the time when the grant was made, and such letting value is hereinafter referred to as 'the former letting value,' and shall preserve the same proportion between the present letting value and the variable rent to be paid by the grantee until the variation and revision of such variable rent next following, as existed between the former letting value and the variable rent payable by the grantee immediately after the making of the grant: Provided always, that the grantor shall not be awarded any increase of variable rent by reason of any increase in the value of such land, which is due to any buildings or improvements, except in so far as the grantor has contributed to the same. The variable rent fixed by the court under this Act shall be the variable rent payable under the leases or grants until the same shall be again varied and revised;

"(*f.*) In this section the words following shall have the meanings respectively attached to them, namely, 'person' includes corporation, whether aggregate or sole; 'variable rent' means a rent subject to variation and revision; 'prescribed period' means the period at the expiration of which a variation and revision of the variable rent, payable in respect of any lands leased or granted in perpetuity, may be required, in pursuance of any lease or grant of the same, or of any Act of Parliament, or this Act; 'revision notice' means a notice in writing signed by the person giving such notice, and requiring a variation and revision of any variable rent; 'grantor' means the person to whom such rent is payable; 'grantee' means the person by whom such rent is payable."—(*The Earl of Leitrim.*)

THE EARL OF ROSSE said, he must take exception to the proposal, which had for its object the relief of the noble Earl (the Earl of Leitrim) from his perpetual leases from Trinity College, Dublin.

LORD BRAMWELL said, the new clause differed from those in the Bill. It neither sought to have a fair rent fixed, nor a power to surrender the lease. To either of these the lessors would gladly agree, as the lessees were making a large profit rent. The noble Earl, one of the lessees, was receiving a profit rent of £2,000. What he sought was this—that when the rents received by the lessees of the College had been reduced, the rent payable by them to the College should be reduced in proportion. That was to say, if 20 per cent had been taken off the rents payable to the lessees, 20 per cent should be taken off the rents payable by them to the College. Why? Either they had been receiving more than a fair rent, or they had not. If they had been receiving more than they ought, how did that give them a claim to reduction of the rent payable to the College? If they had not been receiving more than they ought to have received, and injustice had been done them in the reduction of the rents payable to them, by what right did they want to shift part of the injustice on to the College? It might be hard upon the lessees in a sense; but what had Trinity College to do with that? Why should the lessors be losers? The rents paid by the lessees had been spoken of as statutory. The only sense in which they were so was that an Act was passed to legalize that which had been agreed upon. A bargain was struck, and it was made valid by Act of Parliament.

THE EARL OF LEITRIM said, that these statements were contrary to the fact.

LORD BRAMWELL said, that the Act of Parliament and the leases spoke for themselves; and now their Lordships were asked to disturb the bargain that was made. The proposal was unfair and unreasonable, and it had nothing to do with any part of the Bill.

LORD FITZGERALD said, he was sorry the question was brought forward at this hour, when those who usually supported the noble Earl (the Earl of Leitrim) were absent. No doubt, Trinity College would be delighted if their immediate tenants would surrender their leases, for surrender would enable them largely to increase their income. Perhaps it was their object to screw them down until they did surrender. It was said that the noble Earl who moved this clause paid the College £3,000 a-year, and received £5,000. It might be that the noble Earl had tenants who promised him, in the whole, £5,000; but it was very doubtful whether he received anything like that sum. There was no doubt the lessees were parties to the Act of 1881; but the question was whether it was a voluntary contract. The lessors said—"If you do not agree to our terms, we will not renew your leases." And the conditions imposed were very hard. He thought they could not do justice to the subject, which involved a great grievance, at that hour of the evening (20 minutes to 9), and he suggested that the Amendments should be withdrawn and brought up on Report.

EARL CADOGAN said, the Government could not accept these Amendments for the reasons already stated. The proposal was entirely outside the scope and object of the Bill.

THE EARL OF LEITRIM said, he would accept the advice of his noble and learned Friend (Lord Fitzgerald), and postpone his Amendment until the Report.

Amendment (by leave of the Committee) *withdrawn.*

Clause 28 (Court valuers in county courts) *agreed to.*

Clause 29 (Rules, orders, &c. for bankruptcy matters) *agreed to.*

On the Motion of The Lord FITZGERALD, the following Amendment made :—

In page 14, after Clause 29, insert as a new Clause :—("In all actions of ejectment for non-payment of rent in the Civil Bill Court the fees, costs, charges, and emoluments henceforth recoverable shall be according to the scale of fees, costs, charges, and emoluments for the time being in force in ordinary civil bills, and in referring to such scale the annual rent of the holding for which such ejectment shall have been brought shall be deemed the amount sued for and decreed for respectively.")

Clauses 30 to 32, inclusive, *agreed to.*

The Report of the Amendments to be received on *Friday* the 1*st of July* next; and Bill to be *printed* as amended. (No. 122.)

House adjourned at a quarter before Nine o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 13*th June*, 1887.

MINUTES.] — SELECT COMMITTEE—Forestry, Viscount Ebrington *added.*

PRIVATE BILL (*by Order*) — *Second Reading* — Manchester Ship Canal.

PUBLIC BILLS—*First Reading*—Crofters Holdings (Scotland) * [287].

Second Reading—Places of Worship (Sites) [5], *debate adjourned.*

Committee—Criminal Law Amendment (Ireland) [217] [*Sixteenth Night*]—R.P.

PRIVATE BUSINESS.

MANCHESTER SHIP CANAL BILL

(*by Order*).

SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Question [8th June], "That Standing Orders 62, 204, 223, and 235 be suspended, and that the Bill be now read a second time." — (*Mr. Houldsworth.*)

Question again proposed.

Debate *resumed.*

MR. SCLATER-BOOTH (Hants, Basingstoke): I have to move, as an Amendment to the Motion made by the hon. Member for Manchester (Mr. Houldsworth), to leave out all after "Standing Orders," and insert—

"204 and 235 be suspended, and that the Bill be referred to the Examiners of Petitions for Private Bills."

I have to offer an apology to the House for interfering with a matter in regard to which I have certainly no personal interest, nor have any of my constituents, so far as I know. But I have, as the House knows, taken some interest in the conduct of Private Business for a good many years, and I was also Chairman of one of the Committees which considered this Manchester Ship Canal Bill, and I have watched with great interest the progress of this important undertaking since. This proposal to pass over the Standing Orders seems to me to go far beyond the necessities of the case, and we are running the risk of being placed in a false position with the country. Everybody must know that of late there has been a growing indisposition on the part of the House to interest itself in matters concerning Private Bill legislation, and there has been a certain degree of recklessness as to the consequences of this neglect, as was exemplified in the celebrated Hull and Barnsley case. It is well known how the House found itself situated in regard to the exceptional legislation which then took place. I do not propose to go into the case now, and I have only alluded to it by way of example; but I think that every hon. Member who is aware of the action of Parliament in that case will not feel inclined to allow on this occasion a second departure which may be established into a precedent, and which may have the effect of misleading public opinion and of inducing those who are ordinarily prudent in regard to the investments they make to relinquish this prudence on the faith of a Parliamentary arrangement. No doubt this case differs very much from that. This is a case where the undertaking has not been commenced, and in which the share list has not been fully subscribed; but, nevertheless, the House is asked to enable the promoters to raise £4,000,000 of capital by Preference Stock, and to pass by that which has always hitherto been regarded by Parliament as an important preliminary—namely, that the consent of the shareholders should have been secured. The hon. Member for Manchester (Mr. Houldsworth) proposes to suspend Standing Order No. 62, which is the Standing Order which requires that a Wharncliffe meeting shall have been held in accordance with the regulations laid down by Parliament, under which the shareholders of a Company should have received due notice so as to give them an opportunity of withdrawing their consent to an alteration in the financial conditions under which an undertaking was originally promoted, and the capital of that Company was authorized to be raised. One of the difficulties I have in pressing this Motion is that it may have the effect of delaying the progress of this measure, and that it may be dangerous to the future success of the scheme. That, of course, I have no wish to do; but I think that Parliament would act very wrongly if it were to allow the Bill to go forward without being satisfied that the spirit of Standing Order No. 62 had been complied with—that is to say, that the original subscribers to the undertaking had cast in their lot with the present Bill. The original shareholders are now told that £4,000,000 Debenture Stock are to come before them, so far as interest is concerned; and what I maintain is that the original shareholders should have a full opportunity of giving their assent, or, if they are so minded, of retiring from any subscription they have already agreed to make. There is another difficulty which I may mention, and that is that the Standing Order refers to the proprietors or the proprietary of the undertaking, and I am not sure that there is any proprietary at all in this undertaking. We have been told that something like £700,000 have been actually subscribed, and that £3,000,000 have been subscribed *sub modo*—that is, taken conditionally upon something else being completed. It is a matter of doubt whether, if this Bill goes before the Examiners, it could be held that there is any proprietary in the strict sense of the word, or whether those who have only subscribed *sub modo* are competent to exercise a discretion as to whether the Bill shall be completed or not; but whether it is competent for them to do that or not, what I contend is that Parliament should take care that whether they are competent to exercise an opinion "Aye" or "No," that, at all events, they should be at liberty to withdraw their subscriptions if they are so minded. That is the object I have in proposing this Amendment to the proposal of the hon. Member for Manchester. I feel that there will be a little further difficulty in the event of this Bill finding its way before an ordinarily constituted Parliamentary Committee — namely, the doubt whether a Private Bill Committee will, unless it receives special instructions, be competent to inquire into the whole circumstances of the case. Parliament may incur a heavy responsibility if, without full consideration, it is prepared to sanction such an unusual and unsatisfactory course of action. I, therefore, venture to hope, whether my Amendment finds favour with the House or not, that the Bill will eventually be sent before such a Committee as may be charged with and competent to perform the duty of inquiring into the whole facts and circumstances of the case. Knowing the value which at this moment is attached to the time of the House, I do not intend to enter into the subject at any greater length; and I have only considered it necessary to bring it forward now in order that mischief may not be done either on one side or the other. As I have said, I have no personal interest in the case; but I think that Parliament ought to be scrupulous not to establish a precedent which may hereafter prove to be unsatisfactory.

Mr. SPEAKER: Does the right hon. Gentleman move his Amendment?

Mr. SCLATER-BOOTH: Yes, Sir.

Amendment proposed,

After the words "Standing Orders," to add the words "204 and 235 be suspended, and that the Bill be referred to the Examiners of Petitions for Private Bills."—(*Mr. Sclater-Booth.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HOULDSWORTH (Manchester, N.W.): I fully sympathize with the views which the right hon. Gentleman has expressed on the subject, and I can assure him that the promoters have not the slightest intention, in what they propose to do, of injuring or altering the position of the present proprietors of the Manchester Ship Canal, or the persons who may have applied for shares. We have been most scrupulous on that point, and I think I shall be able to satisfy the House that the steps we are taking will be sufficient to place every applicant for shares and every present shareholder in a position in which he will be not only enabled, but called upon, to give his consent before the arrangement we are asking Parliament to sanction can be carried out. Now, the House will remember that the power which we received under the Manchester Ship Canal Act was a power to raise £8,000,000 of capital. We now propose to divide that capital into two, one part to consist of Preference Stock, which is to receive the first payment of a dividend of 5 per cent; but as this preferential claim is not cumulative the shareholders who subscribe this Preference Stock will take a substantial risk, along with the ordinary shareholders. The ordinary shareholders may be taken to represent the present shareholders and the applicants for shares. Perhaps I ought to inform the House that the present shareholders represent a subscribed sum of £750,000 of capital; the balance between this sum and the £3,000,000 which we have at present guaranteed represent shareholders who have applied for shares to that extent, and these shares have been applied for on certain conditions, as the right hon. Gentleman has stated. Now, with regard to those applicants, a Circular, which I hold in my hand, has been sent out to them, and the condition there stated is that unless they absolutely and entirely give their consent to this arrangement, and practically apply again for the shares they have proposed to take, we shall have no hold upon them, but they will be perfectly free. With regard to the present shareholders, it is not intended, in asking for a suspension of Standing Order No. 62, to evade the holding of a Wharncliffe meeting. The only portion of the Standing Order we desire to suspend is that part of it which provides that we should report to the Examiners that the meeting required by the Act of Parliament to be held has been actually held. We do not intend to evade any of our responsibility, but all we want to do is to save a few days, and we are prepared to give an undertaking, and, if necessary, I should be prepared to add it to this Motion, that we should report to the Committee on the Bill that such a meeting has been held, and that the necessary proportion of the shareholders have given their assent to the undertaking before we seek to have it performed. Under the circumstances, I think the House will see that we have done everything we possibly could to gain the consent of those more interested in the matter. I have no desire to occupy the time of the House or to trespass upon it, for I am anxious to give our opponents an opportunity of saying everything they have to say with regard to the proposition we are now making to the House. Time, however, is an element of the greatest importance in the case. I believe that unless the House is prepared to sanction the second reading of the Bill on the present occasion, it will be almost impossible, if not quite impossible, to make the necessary arrangements for carrying on the undertaking. If opportunity is afforded for a protracted inquiry, the time for the completion of the undertaking, which lapses on the 5th of August, must necessarily lapse. But if our opponents think that the lapse of the powers we at present possess will kill the Manchester Ship Canal, then they are very much mistaken. The only effect of defeating us now will be that we shall have to apply to Parliament again next Session, and another £50,000 would have to be added to the £150,000 already spent by the promoters of the undertaking in getting the necessary sanction of Parliament to it. I believe there is no doubt that, whatever our opponents may do, the feeling of Lancashire and Yorkshire has been so much aroused in this case that the effect of defeating us at this moment will only be to delay an undertaking which its opponents cannot absolutely kill. I am quite aware that we are asking from Parliament, on this occasion, certain unusual powers; but I ought to explain that that is not the fault of the promoters of the Bill; it arises very much from the conditions which were imposed in the original Act of Parliament, by which we were prevented from carrying out any part of the undertaking until practically the enormous capital of £8,000,000 was actually subscribed. That is an unusual condition; but it is not a condition of which we have ever complained, or in regard to which we complain to-day, although it has placed difficulties in the way of the promoters which cannot be fully appreciated except by those who have to carry out the working of such an undertaking. It was made a condition precedent that this very large amount of capital should be raised before the works were commenced, and we have experienced considerable difficulty in raising it in Lancashire at a time when trade has been so much depressed. If I may use such an expression we have had to do it in cold blood, and with a great deal of uncertainty hanging over the people of Lancashire in regard to whether this undertaking will ever really be carried out or not. We are now in a position to say that the arrangements we have made will render it perfectly certain that the capital will be raised without any doubt whatever, and the mere announcement of that fact has had an electrical effect in stimulating the interest which is felt in the undertaking. I am informed that 70 per cent of the shareholders, although they were only applied to on Thursday last, have sent in assents confirming their applications, and that only one-half per cent have expressed dissent with the new arrangement which has been proposed. I may add, further, that there have been new applications for shares from three times the number of persons whose dissent has been expressed; and, therefore, it is quite evident that the shareholders do not believe they can be placed in a worse position than that which they would have occupied before the new arrangement was made. I urgently appeal to the House to grant us the facilities we ask for. We do not require the suspension of the Standing Orders for the purpose of preventing our opponents from carrying out any legislative opposition they can legitimately bring to bear upon the scheme. The object of asking for the suspension of the Standing Orders is simply to save time, without depriving our opponents of any of the rights they would enjoy under ordinary circumstances. At the same time, it must not be forgotten that our opponents can have very little to do with the question that is before the House, and the proposal which is now introduced. It is not a question in which they are interested in the slightest degree. The opposition to the scheme, all along, has been occasioned by the fact that the opponents thought their own interests were likely to be sacrificed, and that the position of the Port of Liverpool might be jeopardized by the carrying out of this undertaking. I do not believe a word of it. I do not believe that the interests of Liverpool will be jeopardized in the slightest degree; on the contrary, I believe that neither the interests of the Port of Liverpool nor of the Railway Companies will suffer in the end. As I have said, although the matter is of the utmost importance to the promoters, if this Bill is not passed now, it will only delay a measure which must come on again next year. Therefore, if the Bill is to be passed, I would ask the House to pass it at once, because a single day may involve the risk of upsetting the whole of the arrangements which have been entered into.

THE CHAIRMAN OF COMMITTEES (Mr. COURTNEY) (Cornwall, Bodmin): I think it will be the opinion of the House almost universally that as little time as possible should be occupied in this discussion consistently with the importance of the subject; and it is with the hope of abbreviating the discussion that may follow that I have risen thus early. With respect to the question raised by the right hon. Gentleman the Member for Hampshire (Mr. Sclater-Booth), it has been made clear by the speech we have just heard that the rights of the shareholders will be substantially protected. The spirit of the Standing Orders will be carried out, even if the words are for the moment set aside. The Wharncliffe meeting will be held on Monday next, and, if there be dissentient shareholders, these shareholders will not be precluded from carrying on their opposition to the Bill in precisely the same way as if the Wharncliffe meeting had been held before this stage. Therefore, allowing this stage will in no degree prejudice the right of these shareholders. There is, however, another question of which we shall probably hear a good deal, and which it is important for the House to consider. This scheme has been sanctioned by Parliament, after repeated examinations by Committees of both Houses. It has been sanctioned to this extent—that the opinion of the Legislature has undoubtedly been expressed that it is a scheme which might fairly be tried. At the same time, Parliament has laid down very extreme financial conditions under which it is to be carried out. Those conditions cannot be lightly disregarded. It is impossible to pay attention to the approval of the scheme and disregard the conditions annexed to it. Those conditions, I apprehend, were annexed on this principle—that the scheme does expose very considerable interests to some risk, and that risk ought not to be entered upon wantonly or without some substantial security—not only that the matter was prosecuted *bonâ fide*, but was prosecuted under conditions to give guarantee of the substantial character of the undertaking. It was for that reason, I apprehend, that the strict financial conditions were annexed to the sanction given by Parliament; and the Bill now proposed is, in effect, to dispense in some degree with those financial conditions. We ought, if possible, to secure the same authority in favour of dispensation that we had in favour of originally imposing the conditions. This House, speaking of it as a body, is no more competent to undertake the question whether or no those financial conditions are absolutely necessary than it was competent to undertake the question whether the scheme, as a whole, should be passed or not; but the Committee which annexed those financial conditions to the scheme is a competent body to advise us on the question whether the conditions can be dispensed with. Without, therefore, allowing a Committee to go into the mercantile or engineering character of the scheme, or to enter on that which has been decided, it is, I conceive, a very proper thing that the precise question which is now treated in this Bill—namely, the dispensation with the financial conditions—should be referred to a Committee, and before that Committee the interests which were protected by these conditions should be allowed to appear. I took the opportunity of bringing together the agents interested in this matter — the agent for the promoters, and those representing the London and North-Western Railway, the Mersey Docks, and the Liverpool Corporation—and suggested to them that the Bill might be allowed to be read a second time if it was understood that it should be referred to an ordinary Committee of four Members, and that the examination before that Committee should be strictly confined to this issue—whether the substitution of the proposed financial arrangement was one that could be sanctioned, having regard to the motive and purpose of the original arrangement, and the large amount of capital which is involved. Perhaps I may be allowed to add that since I have been in the House I have received a message from the agent to the promoters of the Bill, stating that they assent to the condition which I proposed. In these circumstances I apprehend the opponents would be perfectly satisfied with the conditions of reference; and if the agent of the promoters, as I understand, is ready to assent to these conditions, I think the House may consent to allow the Bill to be read a second time, upon the understanding that it shall be referred to an ordinary Committee of four Members constituted for that purpose. No time should be lost in getting to work, and the inquiry, as I have said, should be confined strictly to the question as to whether the financial conditions under which the Bill was formerly sanctioned could be transformed to the proposed conditions consistently with the respect paid to those interests in regard to which the financial conditions were presumably imposed.

MR. HOULDSWORTH: Perhaps I may be allowed to say that the agent for the promoters had no authority to give consent to the proposal of the Chairman of Ways and Means, and I am quite sure he has not done so without authority.

MR. SCLATER-BOOTH: I am quite satisfied with the proposal which has been made by my hon. Friend, if my hon. Friend will undertake that the Committee shall receive an Instruction in the direction I have intimated. In that ase the necessary preliminary of a reference to a Wharncliffe meeting might be waived, on the understanding that the Examiners of Private Bills should be satisfied as to the *boná fide* character of the assent of the shareholders in regard to the conditions which I have specified. In that case I shall be perfectly content to withdraw my Motion.

Mr. COURTNEY: I assent entirely to the stipulation which has been laid down by the right hon. Gentleman. So far as the remarks of the hon. Member for Manchester (Mr. Houldsworth) are concerned, in reference to the assent of the agent for the promoters, I have only to say that I received the message from the agent since I entered the House.

Mr. SINCLAIR (Falkirk, &c.): There is one question which I should like to put to the Chairman of Ways and Means, and it has reference to the proposed Reference to the Committee. Will the hon. Member accept the Motion which I have placed on the Paper that the Select Committee to whom the Bill is referred shall consist of nine Members; that the Petitioners against the Bill shall be entitled to be heard; and that the Committee shall have power to send for persons, papers, and records?

Mr. COURTNEY: The proposal of the hon. Member is to increase the number of the Committee, which is always undesirable unless there is a special reason for it. I do not think it would be advisable to allow everybody to come in and to raise any matter which may not be legitimate to the issue submitted to the Committee.

Sir JOHN R. MOWBRAY (Oxford University): I agree with the Chairman of Ways and Means that, as a general rule, it is undesirable to increase the numbers of a Committee, especially in a matter like this, where you have already had the question tried six times over. I think that four Members are quite sufficient to deal with such a question as that which is proposed to be referred to the Committee, and I hope the House will not consent to increase the number.

Mr. WHITLEY (Liverpool, Everton): On behalf of the Corporation of Liverpool, I believe I am justified in saying that they will be prepared to accept the proposal of the Chairman of Ways and Means.

Mr. SCLATER-BOOTH: I am quite ready to withdraw my Amendment, on the understanding that the Chairman of Ways and Means will frame an Instruction to the Select Committee in regard to the points which I have mentioned.

Mr. WOOTTON ISAACSON (Tower Hamlets, Stepney): I should like to remind the House that we have not yet had an assurance that the promoters of the Bill are prepared to accept the proposal of the Chairman of Ways and Means.

Mr. HOULDSWORTH: All I have to say is that I was not made aware of the negotiations with the promoters of the Bill to which the hon. Gentleman the Chairman of Ways and Means has referred. I received no information upon the subject of any kind. Now, however, I am given to understand that the promoters have been consulted. I shall not, therefore, further oppose the proposition. I still hold strongly the opinion that the course suggested is unnecessary. The Bill itself distinctly provides that certain formalities must be gone through before the works are commenced, in order that Parliament may be satisfied that the financial conditions have been fulfilled. For instance, the Company are bound to prove to the satisfaction of the Board of Trade that £5,000,000 have been raised in a *boná fide* manner, and a certificate to that effect must be given before the work is begun. At the same time, as there appears to have been some kind of assent given by the promoters, although without my knowledge, to the course now proposed to be taken, I will not further oppose it.

Mr. SINCLAIR: I cannot see that there is any great difference between the proposal of the Chairman of Ways and Means and the Motion which I have placed on the Paper; and, therefore, on the part of the Mersey Dock and Harbour Board, I may say that I do not intend to persist with my Motion. At the same time, I think there would be considerable advantage in having the matter thoroughly investigated in the way I suggested.

Mr. ADDISON (Ashton-under-Lyne): As the proposal of the Chairman of Ways and Means has come on the House by surprise, I should like to understand exactly what it is that is proposed to be done. It must be borne in mind that, up to the present time, the Bill has not been agreed to; and there may be fresh opponents whose opposition would have the effect of increasing, to an enormous extent, the delay which may arise in passing the Bill. What we complain of is that the course which is now being pursued may enable our opponents to do, by a side wind, something which they would not venture to do openly in the House. What I want to know is whether a number of persons who are interested in this question, but who have no *locus standi,* are to be allowed to appear before the Committee; and in that case it may be necessary to give a further Instruction to the Committee, somewhat similar to that which was given on Friday night in regard to an important public measure—namely, that the Bill must be reported to the House by a certain day? Unless something of that kind is done, I am afraid that the Bill may be defeated by the opposition that may be raised to it in certain quarters, although the opponents can have but a very small interest in the undertaking. For instance, I fail to see what interest the London and North-Western Railway Company can have in opposing a Bill of this kind. The only object of the Bill is to enable the promoters to raise the money which is necessary to enable them to carry out an undertaking that has already received the sanction of Parliament, and they are simply proposing to divide their capital. When I have witnessed the alacrity with which the opponents of the measure—some of whom, I am sorry to say, are sitting near me—accepted the compromise suggested by the Chairman of Ways and Means, I fear that if they succeed in carrying their opposition much further they will prevent the ultimate passing of the Bill. Therefore, I think we ought to know who the opponents of the Bill are, and how many of them are to be allowed a *locus standi*, and we ought further to know, to some extent, the reasons upon which a *locus standi* is to be granted.

SIR JULIAN GOLDSMID (St. Pancras, S.): As a shareholder of the London and North-Western Railway, I cannot, for the life of me, see what that Company has to do with the matter. This is a question solely as to how the capital is to be raised; and I think the House ought to say that the only persons concerned are the shareholders of the Company and the public. Therefore, I hope that the Instruction moved by the Chairman of Ways and Means will be a very narrow one, or we may have this result—that the persons who have opposed the measure hitherto, and who have been beaten, will raise the whole of their opposition again in a more insidious form. I therefore trust that the Chairman of Ways and Means will take care that the London and North-Western Railway Company are not allowed a *locus standi.*

MR. COURTNEY: There is, I think, no danger of the multiplication of persons having a *locus standi,* as the hon. and learned Gentleman the Member for Ashton-under-Lyne (Mr. Addison) has suggested. You may be sure the agent will not consent to that. But to enter into the question now raised by my hon. Friend the Member for St. Pancras (Sir Julian Goldsmid) would be really to argue the whole question. As a matter of fact, if we are asked now to go into the question whether the London and North-Western Railway Company are to have a *locus standi* to oppose this Bill, it would amount to a discussion of a question which had far better be left to the Select Committee upstairs. It was in order to avoid a discussion of that kind that I suggested the compromise between the promoters and the opponents, with the sincere hope that the consideration of the matter would not occupy any considerable amount of time. In all probability, the only bodies to whom *locus standi* will be granted will be the London and North-Western Railway Company, the Mersey Docks and Harbour Board, and the Corporation of Liverpool, who, in all probability, will be represented by the same counsel, although I am not absolutely entitled to say that that will be the case. At all events, the Reference will be a most narrow one. I believe that both the opponents and promoters of the measure are actuated by a sincere desire that the matter should not occupy much time, and that the Committee should be strictly confined to the point which has been raised. The promoters of the Bill are, I believe, satisfied that the proposal will not in any way imperil the scheme, owing to the efflux of time.

SIR HENRY JAMES (Bury, Lancashire): The Chairman of Ways and Means cannot guarantee that the inquiry will be a short one, because that must depend upon the character of the opposition. I therefore wish to give Notice that when the Chairman of Ways and Means moves the Instruction to the Committee, I shall move, as a further Instruction, that the Select Committee shall report the Bill to the House by a certain date which I shall be then prepared to give.

Mr. SINCLAIR: May I ask the indulgence of the House in order that I may refer to an observation which fell from the hon. and learned Member for Ashton-under-Lyne (Mr. Addison). The hon. and learned Member referred to the alacrity with which the opponents of the Bill had accepted the proposal of the Chairman of Ways and Means. I would only say that those opponents would very much prefer to thresh the matter out on the floor of this House rather than in a Committee upstairs; but they have accepted the suggestion of the Chairman of Ways and Means, in deference to the quarter from which it proceeded.

Amendment, by leave, *withdrawn.*

Amendment made, by leaving out 204 and 223.

Main Question, as amended, put, and *agreed to.*

Ordered, That Standing Orders 62 and 235 be suspended.

Bill read a second time, and *committed.*

QUESTIONS.

POOR LAW—PAROCHIAL RELIEF, 1886—STATISTICS.

Mr. HOYLE (Lancashire, S.E., Heywood) asked the President of the Local Government Board, How many persons received parochial relief in England, Wales, Scotland, and Ireland, respectively, in the year ending 31st December, 1886, and the number in each country of indoor and of outdoor paupers?

The PRESIDENT (Mr. Ritchie) (Tower Hamlets, St. George's): I am unable to state how many persons received parochial relief in England, Wales, and Scotland respectively during the year ending December 31, 1886. As regards England and Wales, it is the practice of the Local Government Board to obtain Returns of the numbers of paupers on certain days only. On January 1 last there were 822,215 paupers in the country in receipt of relief, of whom 201,698 were indoor and 620,517 outdoor paupers. With respect to Scotland, I am informed by the Board of Supervision that, on January 14 last, the total number of paupers, registered and casual, including dependents, receiving relief was 99,734; and that on January 1 last the total number in poorhouses was 10,233. The Local Government Board for Ireland state that, according to the Returns for the week ended January 1, 1887, the total number of persons in receipt of relief on that day was 113,241, of whom 65,015 received outdoor relief, 47,477 were in workhouses, and 749 in blind, deaf, and dumb asylums.

EVICTIONS (IRELAND)—STATISTICS.

Mr. J. E. ELLIS (Nottingham, Rushcliffe) asked the Chief Secretary to the Lord Lieutenant of Ireland, What was the number of evictions and of persons evicted in Ireland during April and May, 1887?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said, the number of evictions in Ireland during the period mentioned was 1,013. The total number from the beginning of the year was 4,909, of which 2,733 persons were re-admitted as caretakers.

AGRICULTURAL DEPARTMENT—SCARLATINA—DR. KLEIN'S MILK THEORY.

Sir UGHTRED KAY-SHUTTLEWORTH (Lancashire, Clitheroe) asked the Chancellor of the Duchy of Lancaster, Whether he can give the House information as to any investigations which the veterinary officials of the Agricultural Department have been instructed to make into Dr. Klein's theory of scarlatina infection from the milk of diseased cows; whether, at present, any confirmation of that theory has been obtained by the investigations of other medical or veterinary observers; and, whether he can lay upon the Table of the House any Reports on the subject, and any communications which have passed between the Agricultural Department and the Local Government Board?

THE CHANCELLOR OF THE DUCHY (Lord JOHN MANNERS) (Leicestershire, E.): The inquiry respecting the alleged scarlatina outbreak by the agency of the milk of diseased cows is still being carried on. But, up to the present time, the investigations of medical and veterinary observers do not justify any positive conclusion. Communications on the subject have taken place between the Local Government Board—with which we are anxious to co-operate—and the Agricultural Department, and a Report will be laid before Parliament as soon as the inquiry is completed.

THE CURRENCY—FRENCH AND ITALIAN COPPER COINS.

MR. MONTAGU (Tower Hamlets, Whitechapel) asked Mr. Chancellor of the Exchequer, Whether he can state the quantity of 5 and 10 centime pieces received by the post offices up to the end of May; and, whether he intends to make any further provision for the withdrawal from circulation of French and Italian copper coins?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's, Hanover Square): The total sum of about £23,000 will have been paid by the Mint to the Postmaster General for foreign bronze coin withdrawn from circulation by the Post Office in the United Kingdom to the end of last month. The weight of the coin withdrawn is rather more than 55 tons. By far the greater part of the coin has been withdrawn from circulation in London and the seaport towns in the South and South-East of England. There has been no special demand for British bronze coin, either in the Metropolitan district or the Provinces, in consequence of the withdrawal of foreign coin. It is the opinion of the postmasters that the withdrawal is practically complete, and that during the six weeks allowed for it, from April 20 till May 31, there has been ample time for the public to exchange the amounts which it held. There would not appear to be any necessity, therefore, now that public attention has been called to the matter, to make any further provision for the withdrawal of foreign coin; but notices will be circulated by means of the Post Office and Customs, at seaports, warning the public that the coin is not legal tender in the United Kingdom, and that its importation is prohibited.

EDUCATION (SCOTLAND) ACT, 1878—CERTIFICATES OF BIRTHS.

MR. FRASER-MACKINTOSH (Inverness-shire) asked the Lord Advocate, Whether, under "The Education (Scotland) Act, 1878," section 11, a Secretary of State has, as therein provided, issued the particulars and fixed the fee regarding certificates of birth for the purposes of the Education Acts?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): An Order was issued by the Home Secretary dealing with this matter on the 10th of June, 1879, and was communicated to school boards in Scotland by the Scotch Education Department on 4th September, 1879.

LAW AND JUSTICE (SCOTLAND)—ANGUS MACLAUCHLAN.

MR. FRASER-MACKINTOSH (Inverness-shire) asked the Lord Advocate, Whether due inquiries have been made in reference to the complaint made by Angus MacLauchlan, Carpenter, Aviemore, Inverness-shire, for assault, oppression, and nimious conduct on the part of certain influential persons, the receipt of which complaint was acknowledged by the Crown Agent on 22nd April last?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities): Due inquiry was made into this complaint on the receipt of the letter acknowledged by the Crown Agent on 22nd April; and on 6th May, by my instructions, a letter was sent to Angus MacLauchlan to inform him that I did not consider there were grounds for a prosecution at the public instance.

ARMY — CADETS OF THE ROYAL MILITARY ACADEMY AT ALDERSHOT.

COLONEL HAMILTON (Southwark, Rotherhithe) asked the Secretary of State for War, As to whether it is the intention of the Government to require the cadets of the Royal Military Academy, Woolwich, to pay out of their own pockets the expenses of attending the Jubilee Review at Aldershot?

THE SURVEYOR GENERAL OF ORDNANCE (Mr. NORTHCOTE) (Exeter) (who replied) said, that the expenses of the cadets in attending the Review would be borne by the Mess Fund of the Royal Military Academy.

LAW AND JUSTICE (IRELAND)—IMPRISONMENT OF JOHN RYAN, AN EVICTED TENANT.

MR. HENRY H. FOWLER (Wolverhampton, E.) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the case of John Ryan, who was committed to prison by the High Sheriff of the County of Tipperary on the 31st March, 1886, for taking possession of a holding from which he had been evicted, and whose period of imprisonment is stated in the Return, recently presented to the House, to be for an "indefinite term;" whether the High Sheriff of any county in Ireland has the power to commit to prison for an "indefinite term" an evicted tenant for re-taking possession of his holding; and, whether, having regard to the fact that John Ryan has been in prison for upwards of 12 months, the case will be brought under the notice of the Lord Lieutenant?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: John Ryan appears to have been committed to prison on June 4, 1886, pursuant to an order of attachment for contempt issued from the Chancery Division of the High Court of Justice in Ireland. The contempt committed was that stated in the Return; but the Governor of the prison, in sending forward the materials for the Return, erroneously stated that the committal was by the Sheriff, who merely signed the warrant pursuant to the writ of the Court. The Sheriff, of himself, has no power to commit to prison. Ryan was informed in October last, in reply to a Memorial forwarded by him to the Lord Lieutenant, that any application for his release should be made through the Judge who committed him for contempt; but he has not made any such application. It has been open to him to obtain his release at any time by purging the contempt, and the Government are unable to interfere in the matter.

WAR OFFICE (ORDNANCE DEPARTMENT)—EXPERIMENTAL WIRE GUNS.

SIR HENRY TYLER (Great Yarmouth) asked the Secretary of State for War, Whether a 10-inch wire howitzer and a 9·2-inch wire gun were constructed last year at Woolwich; and, if so, what was the weight and cost of each of them; and, also, whether he would be so good as to describe, in regard to the rounds fired from each of these guns—(a) the weight of charge and nature of powder; (b) weight of projectile; (c) muzzle velocity for each round; and (d) the maximum powder pressure, with any other particulars of an interesting character; and, whether he will kindly afford, in an Unopposed Return, any information that he is unable to embody in the answer to this Question?

THE SURVEYOR GENERAL OF ORDNANCE (Mr. NORTHCOTE) (Exeter) (who replied) said: The two guns in question are entirely experimental, and the Secretary of State does not think it would be to the interest of the Service to publish the details asked for by my hon. and gallant Friend; but he will have no objection to give him such details confidentially for his own information.

METROPOLITAN POLICE—SERGEANT MURPHY.

CAPTAIN PRICE (Devonport) asked the Secretary of State for the Home Department, Whether, in the case of Sergeant Murphy, of the Metropolitan Police, any Report has been received from the Royal Naval Hospital at Plymouth, stating the nature and cause of his illness; and, if not, whether he will make the necessary inquiries?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have received a Report from the Deputy Inspector General of the Royal Naval Hospital at Plymouth, who states that the nature of Police Constable Murphy's illness is very obscure, and that the symptoms probably point to brain disease. He cannot say what the cause of the illness is, or whether it arises from drinking. However, the Chief Commissioner has no doubt from the evidence that this man was drunk on the 12th ultimo, for which offence he was reduced in rank before his present illness came on.

CENTRAL ASIA—TRADE COMMUNICATION WITH THIBET—THE CONVENTION WITH CHINA.

SIR JOHN SIMON (Dewsbury) asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to two communications from Mr. W. Warry, of Her Majesty's Consular Service at Darjeeling, India, to the Dewsbury Chamber of Commerce, copies of which were sent in November or December last to the Secretary of State for India, relating to the opening up of trade with Thibet; and, whether Her Majesty's Government will take steps for giving effect to the clause in the recent Convention with China relating to Thibet?

THE UNDER SECRETARY OF STATE (Sir JAMES FERGUSSON) (Manchester, N.E.): I have read the Reports referred to. Mr. Warry belongs to the Consular Service in China, and was detached for special service under the Government of India. I can add nothing to the reply which I have already given to the hon. Member for North Kensington (Sir Roper Lethbridge) and others on this subject. The matter will not be lost sight of; but it is not considered advisable to take any further steps at present.

POST OFFICE (LONDON)—POSITION OF PORTERS.

MR. P. O'BRIEN (Monaghan, N.) asked the Postmaster General, If he will state what number of hours the General Post Office (London) porters have to work; whether there is any promotion open to them as sorters, postmen, or messengers; whether they are liable to a stoppage of pay when absent from sickness, which is not required from men similarly employed in other Departments; and, whether it is a fact that they are not allowed Bank Holidays?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): The Post Office porters in London work, as a rule, from eight and a-half to nine hours a-day. Promotion is open to them as postmen, as messengers, and also, as far as the limits of age correspond, as sorters. During absence from illness they receive exactly the same proportion of their pay as members of corresponding, or nearly corresponding, class in the Post Office—that is to say, two-thirds. On Bank Holidays the indoor work of the Post Office is much the same as on other days. Anything in the shape of a general holiday is, therefore, impossible. But in the case of the porters, as of other members of the indoor force, the superintending officers have instructions to let as many as possible be away.

RAILWAY AND CANAL TRAFFIC BILL —CARRIAGE OF TOWN REFUSE.

MR. O. V. MORGAN (Battersea) asked the Secretary to the Board of Trade, Whether he is prepared to introduce a clause in the Railway and Canal Traffic Bill, compelling the Railway Companies to carry town refuse at a cheap rate, in accordance with the Petition of the Wandsworth District Board of Works?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): It is not the intention of the Board of Trade to introduce on behalf of the Government such a clause as that referred to by the hon. Member.

LIGHTHOUSE ILLUMINANTS—THE TRINITY HOUSE REPORT.

MR. T. W. RUSSELL (Tyrone, S.) asked the Secretary to the Board of Trade, in reference to his statement that his chief objection to the investigation of the Trinity House Report on Lighthouse Illuminants was the expense which would be involved, Whether he has received an undertaking or guarantee from Mr. Wigham that the cost of that investigation would not exceed £2,000; whether Mr. Wigham had also previously offered his own services gratuitously in connection with the inquiry; whether he will consider the advisability of accepting Mr. Wigham's offer and his guarantee; and, whether the Board of Trade have received Memorials from shipowners of Liverpool, Belfast, Newcastle-on-Tyne, and other places; also from the authorities of Queenstown Harbour, repeating their demands made last Session that the Report of the Trinity House should be referred to independent authority for investigation?

THE SECRETARY (Baron HENRY DE WORMS) (Liverpool, East Toxteth): I would point out to the hon. Member that the question of expenditure was not the only one adverted to in my statement to which he refers. But if such had been the case, the Board of Trade, in the present condition of the Mercantile Marine Fund, could not sanction any expenditure not absolutely essential and necessary to meet immediate requirements, even if it were admitted to be otherwise expedient. As regards the last paragraph, I would observe that the bodies referred to have repeated demands on which the Board of Trade came to a decision last year.

MR. T. W. RUSSELL said, that in consequence of the reply of the hon. Gentleman he should, on going into Committee of Supply, call attention to lighthouse illuminants, and the action of the Trinity House in reference thereto.

THE SUBMARINE TELEGRAPH COMPANY.

MR. MONTAGU (Tower Hamlets, Whitchapel) asked the Postmaster General, Whether negotiations are now pending for the renewal of the monopoly of the Submarine Telegraph Company, which expires in 1889; and, whether, before any final decision is taken, the conditions will be stated, so that the various Chambers of Commerce may have an opportunity of considering them?

THE POSTMASTER GENERAL (Mr. RAIKES) (Cambridge University): In reply to the hon. Member, I have to state that I am in communication with the Telegraphic Administrations of some of the neighbouring Foreign States with regard to the arrangements which it will be necessary to make for the transmission of telegrams between this country and those States when the concessions now held by the Submarine Telegraph Company from France and Belgium expire in 1889. I do not think that I can promise to submit these arrangements to the Chambers of Commerce; but I shall be ready to consider any suggestion that they may desire to make.

THE "BOARD OF TRADE JOURNAL"—ADVERTISEMENTS.

MR. MONTAGU (Tower Hamlets, Whitechapel) asked Mr. Chancellor of the Exchequer, Whether the Treasury was consulted and gave its sanction to the Stationery Office, prior to the decision having been taken, to insert commercial advertisements in *The Board of Trade Journal*; and, whether he can state when the existing contract for advertisements will terminate?

SIR HERBERT MAXWELL (A LORD of the TREASURY) (Wigton) (who replied) said, the Treasury had been consulted and had given its sanction in this matter. The existing contract for advertisements would terminate on December 31, 1889.

METROPOLITAN POLICE COURTS—THE HAMMERSMITH AND WANDSWORTH DISTRICTS.

MR. O. V. MORGAN (Battersea) asked the Secretary of State for the Home Department, Whether it is a fact that, although the population of London has increased since the year 1839 from under 2,000,000 to over 4,000,000 there has not been any increase in the number of the magistrates of the Metropolitan Police Courts, although during that period, in addition to this increase of population, the jurisdiction of the magistrates has been very greatly extended by many Acts of Parliament; and, whether, considering the great increase of population and rateable value in the Hammersmith and Wandsworth Police Court Districts, and inasmuch as this subject has now been under the consideration of Government for more than seven years, and he has twice stated in the House that it is necessary that these Courts should be made whole day Courts, the establishment of such whole day Courts will be carried out without any further delay?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): The establishment of whole day Courts at Hammersmith and Wandsworth has been decided on, but not carried out at present, as the Treasury are anxious that the cost of additional magistrates should be saved by a redistribution of the existing magisterial strength. A Departmental Committee is now inquiring, and will shortly report to me, how far such a redistribution is possible. Pending these inquiries no change in these Courts has been made.

WAR OFFICE (ORDNANCE DEPARTMENT)—INSANITARY STATE OF DOVER BARRACKS (FORT BURGOYNE).

MR. PRESTON BRUCE (Fifeshire, W.) asked the Surveyor General of the Ordnance, Whether the expert of the Local Government Board has inspected Fort Burgoyne, with reference to the cases of typhoid fever which occurred there; whether he reports the sanitary condition of these barracks to be satisfactory, or as in need of improvement; and, whether it is still intended to quarter here, about the 23rd instant, a portion of the 4th Brigade Royal Artillery (Fife Militia)?

THE SURVEYOR GENERAL (Mr. NORTHCOTE) (Exeter): The Report of the Inspector of the Local Government Board as to the sanitary condition of Fort Burgoyne has not yet reached me; but the General Officer at Dover has telegraphed that the Inspector is of opinion that the fort will be in a perfectly sanitary condition, providing certain small alterations are made. These can easily be effected before the 23rd instant; and, under these circumstances, the 4th Brigade, Scottish Division, Royal Artillery, will be moved there on that date.

ROYAL IRISH CONSTABULARY—THE POLICE BARRACK AT MEENACLADDY, COUNTY DONEGAL—THE MAGISTRACY (IRELAND)—SHERCOCK PETTY SESSIONS.

Mr. O'HANLON (Cavan, E.) had the two subjoined Questions on the Paper:—

To ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that the police barracks lately opened in Magheroarty, in the County of Donegal, have been rented under an agreement terminable at three months' notice, at a rent of £15 per year, from a woman named Tennant, whose husband is now in America; whether the six constables pay above that sum by money deducted out of their wages for rent; whether the Government in other cases pay a portion of the rents; whether the Government now insist on a sum of £40 being expended in repairs by Mrs. Tennant; and, whether the Government will put the house in proper repair at its own expense, making it suitable for a barracks?

To ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is correct, as reported in *The Anglo-Celt*, a Cavan paper, that Shercock Petty Sessions was held on the 12th instant; whether Thomas Chambers, Esq., J.P., was Chairman on the occasion; Ben. S. Adams, Esq., J.P., was also present; whether five men were tried for drunkenness, three of them Catholics, and two Protestants; and, whether the Catholics were fined 10*s.* each, while the Protestants were fined only 2*s.* 6*d.* each?

MR. O'HANLON: I wish to postpone these two Questions until they can be answered by the Chief Secretary.

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet): I can answer the Questions.

MR. O'HANLON: I wish to reserve them for some future occasion.

MR. SPEAKER: Order, order! It is quite competent for the right hon. and gallant Gentleman to answer the Questions on the Paper.

MR. O'HANLON: I propose to ask them——

MR. SPEAKER: Order, order!

COLONEL KING-HARMAN: With regard to the first Question, the Constabulary Authorities report that this question must relate to Meenacladdy Barracks. It is held at an annual rent of £15 under the usual yearly agreement, terminable by three months' notice, from a Mrs. M'Ginley, whose husband resides in America. There are, at present, six men in the barracks, from whom a sum at the rate of £2 12*s.* each per annum is stopped, under Statute, on account of deductions for lodging allowance. The Government are not aware of any proposal with regard to an expenditure of £40 on repairs. With regard to the other Question, I have to reply that the Shercock Petty Sessions was held on the 12th May. The magistrates named were present. Ten persons were fined for drunkenness, eight of whom were Roman Catholics and two Protestants. Two of the Roman Catholics, who were disorderly, were fined 10*s.* each. One of the Protestants was fined 1*s.* 6*d.*, it being his first offence, and the other Protestant, who did not appear, was fined 2*s.* 6*d.* The remainder of the Roman Catholics were fined the same as the Protestants.

Mr. O'HANLON: Having got new matter, in addition to the fact that the right hon. and gallant Gentleman did not answer the Questions fully. I shall repeat them next day.

EVICTIONS (IRELAND)—THE EVICTIONS AT BODYKE.

Mr. CONYBEARE (Cornwall, Camborne) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the descriptions in *The Pall Mall Gazette* of the evictions at Bodyke, and in particular to the statement that one of the bailiffs more than once threw his crowbar through an opening made in the walls of the houses, regardless of the fact that there were women and children inside; whether these men are men of respectable character; or, if not, whether they are in any, and how many, cases convicts or ex-convicts who have been in prison for various crimes; whether these men are employed by the Sheriffs or by the landlords' agents; and, whether, in any case, he will order that they shall be kept under more effective control?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: There was no such occurrence as a bailiff throwing a crowbar through an opening in the walls. A crowbar, on one occasion slipped from a bailiff's hand and entered the house through an aperture in the wall. This was purely accidental, and did not occur a second time. Of the 11 men employed nine are strangers, whom the police believe to be respectable men, and the other two are of the usual class of Sheriff's bailiffs, and have never been convicted of any serious offence. All these men were employed by the Sheriff. The local Constabulary officer reports that the statements in *The Pall Mall Gazette* about these evictions are highly coloured, quite inaccurate, and, in some cases, utterly untrue.

Mr. CONYBEARE asked, whether the right hon. and gallant Gentleman would give an assurance that only men who were competent to wield a crowbar should be employed in future?

Mr. DILLON (Mayo, E.): Is the right hon. and gallant Gentleman aware that one of the bailiffs engaged in these evictions is a bailiff named Woods, who was ordered to be prosecuted for perjury by Chief Baron Palles at the late Sligo trials, and on that occasion was censured by the Judge for his conduct at the Woodford evictions?

Colonel KING-HARMAN: I am sorry to say I have no information on the subject.

Mr. DILLON: Will the right hon. and gallant Gentleman inquire?

Colonel KING-HARMAN. If the hon. Gentleman puts a Question on the Paper I will.

Mr. W. REDMOND (Fermanagh, N.): Will the right hon. and gallant Gentleman state to the House from whom he received the statement just read out?

Colonel KING-HARMAN: From the officer in charge of the Constabulary.

POST OFFICE (SCOTLAND)—THE NORTHERN MAILS.

Dr. R. MACDONAND (Ross and Cromarty) (for Dr. Clark) (Caithness) asked the Postmaster General, If he will give a Return of the weight of the mails sent by the 12.40 a.m train from Perth to the North, and the 3.35 a.m. train from Aberdeen to Keith?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): I have given directions for the Return to be taken, and will forward a copy to the hon. Member.

WAR OFFICE—CONTRACTS.

Mr. WATT (Glasgow, Camlachie) asked the Secretary of State for War, Whether the statement which appeared in *The Morning Post* of the 10th instant, to the effect that the Government were now placing contracts for iron goods direct with manufacturers, instead of with "middlemen," having special regard to the quality of goods supplied, and not, as hitherto, exclusively to the matter of price, is correct; if this applies to goods of all descriptions required by the War Office; and, if he is prepared to consider the advisability of issuing a Circular to this effect to well-known manufacturers of high repute, who have hitherto abandoned submitting tenders for Government contracts, on account of the above-named reasons?

The SURVEYOR GENERAL of ORDNANCE (Mr. Northcote) (Exeter) (who replied) said: Iron goods and all manufactured articles are invariably obtained by competition among manufacturers only, and any contractor found sending in goods not made by him would be liable to be struck off the list of contractors. The only recent change has been to enlarge the scope of the competition, and the result has been beneficial. No addition to the War Office Circular of 1881, which has been generally communicated to manufacturers, appears to be necessary. The hon. Member has, however, slightly misquoted *The Morning Post*, which referred not to iron goods, but to iron itself. In this case two well-known firms of iron merchants have been employed for many years as contractors to the manufacturing departments for iron. When the practice of dealing with agents was discontinued in 1881 it was felt right to make some concession in favour of these two firms; and they are permitted, so long as the then principals continue in the business, to tender with manufacturers, naming in every case the maker of the iron for which they tender.

Mr. MUNDELLA (Sheffield, Brightside): Do I rightly understand the hon. Gentleman to say that if any contractor sends in goods which are not of his own manufacture he will be struck off the list?

Mr. NORTHCOTE: No one is to tender for goods not manufactured by themselves.

Mr. MUNDELLA: In case of their doing so they are struck off the list?

Mr. NORTHCOTE: They are liable to be struck off.

Mr. HANBURY: Does that apply to the cases of Messrs. Latimer Clark and of Messrs. Wilkinson?

Mr. NORTHCOTE said, he should be glad to answer that question if the hon. Member gave him Notice of it.

POST OFFICE — AN INSURANCE DEPARTMENT.

Mr. WATT (Glasgow, Camlachie) asked the Postmaster General, Whether, since his statement, he has been able to institute such inquiries as might enable him to make a recommendation to the Government as to the formation of a Department, or otherwise, to undertake, at a reasonable charge, the insurance of letters containing bonds, scrip, or other valuable enclosures exceeding £10 in value?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): No, Sir. I have not; but attention will be given to the subject.

SOUTH AFRICA—SIR CHARLES WARREN'S BECHUANALAND EXPEDITION.

Mr. HANBURY (Preston) asked the Secretary of State for War, Whether Despatches were received from Sir Charles Warren, dated 6th and 13th July, 1885, giving the military history of the Bechuanaland Expedition, and mentioning the names and services of the principal military officers who assisted in that Expedition; whether Sir Charles Warren's Despatches of 25th August and 18th November of the same year, mentioning the civil and political services rendered by officers and others, have been laid upon the Table; whether any reason exists for publishing the latter, and omitting to publish the former Despatches; and, whether a Copy of the Despatches of July 6th and 13th will be laid upon the Table?

The SURVEYOR GENERAL of ORDNANCE (Mr. Northcote) (Exeter) (who replied) said: The Despatches of the 6th and 13th of July, 1885, were confidential Reports by the General commanding the Expedition on the various officers and services under him. It is not customary to present such Despatches to Parliament.

Mr. HANBURY said, he had been told that the Reports were not confidential.

CENTRAL ASIA—THE ADVANCE OF RUSSIAN RAILWAYS.

Mr. HANBURY (Preston) asked the Under Secretary of State for Foreign Affairs, If he can state to within what distance from the present frontier of Afghanistan a Russian railway line is now laid?

The UNDER SECRETARY of STATE (Sir James Fergusson) (Manchester, N.E.): The Russian railway at present nowhere approaches within 130 miles of the Afghan Frontier. There have been reports that a branch line to Sarakhs, about 75 miles north of the frontier, has been commenced; but these reports have not yet been confirmed.

WAR OFFICE—REPORT OF THE ORDNANCE INQUIRY COMMISSION.

Mr. R. POWER (Waterford) asked the Secretary of State for War, When the Report of the Evidence taken by the Ordnance Inquiry Commission will be presented to Parliament?

The SURVEYOR GENERAL of ORDNANCE (Mr. Northcote) (Exeter) (who replied) said: The Secretary to the Royal Commission informs the Secretary of State that the Evidence will be printed in about a fortnight. I believe the indexing of the Evidence is the cause of the delay; but I will endeavour to see if the production cannot be accelerated. As the Commission was an entirely independent one, the War Office has had no control over the printing of the Evidence.

EVICTIONS (IRELAND)—THE BODYKE EVICTIONS — CAPTAIN E. W. D. CROKER.

Mr. ARTHUR O'CONNOR (Donegal, E.) asked the Parliamentary Under Secretary to the Lord Lieutenant of Ireland, Whether Captain Edward W. D. Croker, now Sub-Sheriff of County Clare, and officiating at the evictions at Bodyke, is the same Captain Croker who was Governor of the Central Prison, Cyprus, and dismissed by Lord Derby for pecuniary irregularities, and is still an uncertificated bankrupt; and, if so, whether the Lord Lieutenant will cause inquiry to be made of the Sheriff of Clare as to Captain Croker's appointment?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet): I have not been able to ascertain the accuracy or non-accuracy of the hon. Member's Question; but the Government will make further inquiries on the subject.

EVICTIONS (IRELAND) — EVICTIONS ON LORD KENMARE'S ESTATE, KILLARNEY.

Mr. W. A. MACDONALD (Queen's Co., Ossory) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true, as stated in *The Daily News*, of June 10th, that on the occasion of the evictions on Lord Kenmare's estate in the neighbourhood of Killarney last week, one case, that of a poor widow named Sullivan, and her seven children, was so distressing in all its features that many of the policemen present turned away and shed tears in silence; that one policeman suggested that a subscription should be raised on the spot; that the idea was warmly taken up by all save some Orange members of the Force, and would have been carried out but for the interference of Head-Constable Rowe, who threatened the men with all the pains and penalties of the Police Code; whether similar collections have repeatedly been made by the police on other occasions; and, whether there is really a provision in the Police Code forbidding members of the Force to contribute their own money for the relief of human misery?

Mr. CONYBEARE (Cornwall, Camborne) also had the following Question on the Paper:—To ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether the account published in *The Daily News*, of the 10th instant, of the evictions on the Kenmare Estate, Killarney, is correct; whether it is true that the case of a widow named Sullivan was so miserable as to cause many of the police to shed tears, and to "speak in terms of condemnation of the cruel business;" whether, on an attempt being made to raise a subscription for the immediate relief of the family, the Head Constable Rowe refused to permit it, and threatened his men with punishment for transgressing the Police Code; and, whether there is any article in the Police Code prohibiting such acts of philanthropy on the part of the police; and, if so, why was such article not enforced in the case of the Glenbeigh Evictions when a sum of £1 2*s*. 6*d*. was collected for one of the victims among the constables present, headed by a donation from the Sub-Sheriff himself?

The PARLIAMENTARY UNDER SECRETARY (Colonel King-Harman) (Kent, Isle of Thanet) (who replied) said: I will now also reply to Question No. 39 put by the hon. Member for the Camborne Division of Cornwall (Mr. Conybeare) on the same subject. It is not true that the police shed tears, or spoke in terms of condemnation, in the case of the widow Sullivan. There was no attempt by any person to raise a subscription; therefore Head-Constable Rowe could not, and did not, act as alleged. There is no rule against members of the Royal Irish Constabulary contributing as individuals from their private means to any charitable object. At Glenbeigh a sum of £1 2*s.* 6*d.* was subscribed to pay for the conveyance of an aged woman to the workhouse. She was merely a sub-tenant, and lived on charity. The Sub-Sheriff's deputy subscribed. The Sub-Sheriff was not present.

MR. W. A. MACDONALD asked the right hon. and gallant Gentleman to state his authority for the first part of the reply.

COLONEL KING-HARMAN: The responsible officer in charge of the district.

CELEBRATION OF THE JUBILEE YEAR OF HER MAJESTY'S REIGN — THE METROPOLITAN POLICE.

MR. BURDETT-COUTTS (Westminster) asked the Secretary of State for the Home Department, Whether, considering the fact that, on Tuesday the 21st of June, the Metropolitan Police will not only be deprived of the enjoyment of the holiday in which all other classes of Her Majesty's subjects will participate, but will have unusually laborious duties to perform, and taking into account that a similar concession is reported to have been decided upon for the City Police, he will, on this entirely exceptional occasion, consent to grant an extra day's pay to the whole of the Metropolitan Force?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): Yes, Sir; I shall be happy to consider favourably any application that the Chief Commissioner may make to me with the view of granting some special remuneration to those men to whom unusually laborious duties will be assigned on the occasion of the 21st instant.

MR. BROADHURST (Nottingham, W.) asked the Secretary of State for the Home Department, When he proposes to introduce the Employers' Liability Bill?

THE SECRETARY OF STATE (Mr. MATTHEWS) (Birmingham, E.): I have nothing to add to the answer which I gave last week—namely, that I hoped to lay this Bill on the Table before there was any reasonable prospect of the House being able to deal with it.

INDIA—SANITATION.

MR. KENYON (Denbigh, &c.) asked the Under Secretary of State for India, Whether his attention has been called to the letter of Mr. Justice Cunningham, in *The Times* of Thursday last, on the subject of sanitation in India; and, whether the Government are prepared to take any steps to carry out the objects indicated therein?

THE UNDER SECRETARY OF STATE (Sir JOHN GORST) (Chatham): The sanitary condition of towns and villages in India is constantly under consideration by the Government of India and the Secretary of State; and every effort has been, and will be, made to introduce, from time to time, such improvements as may be practicable.

BOARD OF INLAND REVENUE—REDUCTION OF THE STAFFS OF THE INDOOR AND OUTDOOR DEPARTMENTS.

MR. MACDONALD CAMERON (Wick, &c.) asked Mr. Chancellor of the Exchequer, Whether it is true that the Board of Inland Revenue is reducing in any way the staffs both of the indoor and outdoor departments with a view to economizing the expenditure upon these departments; whether, in connection with the outdoor department, an Order has been recently issued stopping all promotion pending these contemplated alterations; whether, in the forthcoming re-organizations of these Services, it is contemplated to compensate in any way those who suffer from their promotion being deferred to considerably longer periods than they were led to expect when entering the Service; and, whether, with a view to increasing the efficiency of the said Services, and doing away with a widespread cause of complaint in a hard-worked and highly deserving branch of the Revenue Service, the Government will urge upon the Board the necessity there is for formulating some scheme whereby the junior officers and assistants of Excise may look with somewhat more certainty to increments of salary after certain definite periods of service?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN) (St. George's Hanover Square): Large reforms the Inland Revenue Service, both indoor and outdoor, are under consideration, which will, I believe, promote both efficiency and economy. I have no reason to believe that the prospects of any member of the Service will be injuriously affected by the changes under consideration.

POST OFFICE (IRELAND) — CONVEYANCE OF MAILS IN THE NORTH OF IRELAND.

Mr. MAC NEILL (Donegal, S.) asked the Postmaster General, Whether the present mail service by Bundoran to Bundoran Junction is by car; whether this service, by missing the connection with the mail train from Omagh to Enniskillen, causes serious delay to letters; whether the Bundoran Railway runs along the mail car road for its entire length to Bundoran; whether he has received a Memorial, dated 25th May, 1887, from the Town Commissioners of Ballyshannon, setting forth these facts at the request of the towns on the Bundoran line of railway; whether the present contract for the carriage of the mails is about to terminate; and, whether he, before entering into a new contract for a road service, will ascertain on what terms the railway, which runs parallel with the road, will convey the morning and evening mails between Bundoran and Bundoran Junction?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): The present mail service from Bundoran Junction to Bundoran is by car. This car is fitted to the night mail trains running in both directions between Omagh and Enniskillen. There were during the past winter several occasions when, owing to the heavy snow, the car failed to reach Bundoran Junction in time for the train; but, generally speaking, the car works satisfactorily. There is a railway running through the district to Bundoran; but the question of obtaining trains suitable for the mail service, as desired in the Memorial from Ballyshannon, to which the hon. Member refers, will require very careful consideration. There has not yet been time to deal with it since the Question appeared; but a Report is shortly expected. A fresh contract for the mail car has just been entered into. This can, however, be terminated at any time after three months' notice.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—THE ROYAL PROCESSION—POST OFFICES.

Mr. HUNTER (Aberdeen, N.) asked the Postmaster General, Whether the officials, usually employed at the post offices along the route of the Royal Procession to Westminster Abbey, have received notice not to attend on that day, that room may be provided for some of the higher officials of the Post Office to view the procession without payment?

The POSTMASTER GENERAL (Mr. Raikes) (Cambridge University): No, Sir. In fact, the very reverse is the case. The Secretary of the Post Office made a personal inspection of the offices in question a few days ago, with the object of ascertaining what accommodation existed; and he then informed the officers in charge that it was my particular desire that none of the local staff should lose the opportunity of witnessing the procession.

EVICTIONS (IRELAND) — THE EVICTIONS AT BODYKE—ALLEGED VIOLENCE TO AN OLD WOMAN.

Mr. CONYBEARE (Cornwall, Camborne) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has inquired into the facts described in the following paragraph from *The Pall Mall Gazette* of the 9th instant:—

> "It is true Pat Walsh's mother of 80 was bludgeoned in his house, as she sat in her chair, by a member of the Royal Irish Constabulary, who formed one of the volunteer storming party, and she has at this moment the marks of his baton in the shape of a bad black eye;"

and, whether the above statements are accurate; and, if so, whether he will take immediate steps to punish the conduct of the constable in question, and to prevent similar occurrences in future?

Sir WALTER B. BARTTELOT (Sussex, N.W.): Before the right hon. and gallant Gentleman answers the Question, I should like to ask him whether it is true that, in certain cases, women have thrown scalding meal, boiling water, and even vitriol on the emergency men and policemen who were there only doing their duty in carrying out the law; and, what steps are going to be taken with regard to Michael

Davitt, who has instigated them to commit such dastardly outrages?

MR. CONYBEARE: Arising out of that Question, I wish to ask the right hon. and gallant Gentleman whether there is any allegation that this old lady of 80 years threw scalding meal, or anything else?

THE PARLIAMENTARY UNDER SECRETARY (Colonel KING-HARMAN) (Kent, Isle of Thanet) (who replied) said: With reference to the first Question, I have to say that there is no truth whatever in the allegation that Mrs. Walsh was bludgeoned by a policeman. In regard to the Question of my hon. and gallant Friend, it is true that in several cases scalding meal and boiling water have been thrown both on the bailiffs and the constabulary who have been engaged in the eviction cases at Bodyke. A case of vitriol throwing has been reported; but we have no statement as to any person having been injured by it. The Government are carefully noting the proceedings of those persons who have been especially prominent in the recent disturbances, and of those who have been the instigators to riot and to breaches of the law.

MR. DILLON (Mayo, E.): The right hon. and gallant Gentleman has made a very serious statement. I ask him for his authority in stating that a case of vitriol-throwing has been reported? That is a statement which the right hon. and gallant Gentleman should not make except he is prepared to state to the House, in the first instance, the ground on which he makes the charge.

MR. M. J. KENNY (Tyrone, Mid): I wish also to ask the right hon. and gallant Gentleman on what authority he states that Mrs. Walsh was not bludgeoned by the police? She was seen half-an-hour afterwards with a black eye, which she received from a policeman.

COLONEL KING-HARMAN: I have no knowledge as to whether the lady received a black eye or received any injury—all I know is that she was not bludgeoned by the police ——

MR. M. J. KENNY: Certainly she was.

MR. SPEAKER: Order, order!

COLONEL KING-HARMAN: The information comes from Sir Redvers Buller, who received it from the ordinary sources of information. With regard to the question of vitriol-throwing, the information comes by telegraph from the Resident Magistrate in charge at Bodyke, Colonel Turner.

MR. DILLON: Does the magistrate state that vitriol was thrown?

COLONEL KING-HARMAN: The words came—"Vitriol was thrown."

ARMY AND NAVY ESTIMATES COMMITTEE—THE COMPOSITION.

MR. HENEAGE (Great Grimsby) asked the First Lord of the Treasury, Whether, considering the late period of the Session, and the general dissatisfaction at the composition of the Army and Navy Estimates Committee, the Government will consider the desirability of asking the House to rescind such portion of the Resolution of the 6th of June as refers to the Army Estimates, and to appoint a separate Committee to consider those Estimates whilst the present Committee consider the Navy Estimates?

CAPTAIN PRICE (Devonport) suggested that the present Committee might consider the Army Estimates, and a new Committee be appointed to deal with the Navy Estimates.

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): In answer to my hon. and gallant Friend, I cannot hold out any hope that a separate Committee to consider Navy Estimates should be appointed. I am not aware of the general dissatisfaction which is stated to exist by the right hon. Member for Great Grimsby; and, looking at the close connection which exists between the Army and Navy, the difficulty of entirely separating the expenditure of the two Services, and also to the heavy calls already made on the time of Members of this House by numerous Committees, I am unable to hold out any hope of separate Committees being appointed, at all events in the course of the present Session.

FISHERY BOARD (SCOTLAND)—THE REPORT.

MR. ANDERSON (Elgin and Nairn) asked the First Lord of the Treasury, When will the Report of the Scotch Fishery Board be laid upon the Table;

and, will the Government undertake that the Civil Service Estimate for the expenses of the Scotch Fishery Board shall not be taken until the Report has been in the hands of Members a reasonable time?

THE LORD ADVOCATE (Mr. J. H. A. MACDONALD) (Edinburgh and St. Andrew's Universities) (who replied) said: This Report has been delayed by the complication attending the statistics collected by the scientific staff in regard to the experiments relating to trawling. But it is hoped that the Report, which is now in the printer's hands, will be finally thrown off in a fortnight. Although Her Majesty's Government can give no pledge as to the time when the Civil Service Estimate for the Scottish Fishery Board will be taken, owing to the state of Public Business, it is hoped that it may be possible to delay it till after the Report has been in the hands of hon. Members a reasonable time.

DOMINION OF CANADA—INCREASED DUTIES ON IRON.

MR. W. L. BRIGHT (Stoke-upon-Trent) asked the First Lord of the Treasury, Whether the attention of Her Majesty's Government has been drawn to the fact that the Canadian Government has imposed an additional duty of 100 per cent on pig iron, 350 per cent on puddle bars, and 155 per cent on bar iron; and, whether Her Majesty's Government will make some representation to the Canadian Government, with a view to the modification of this tariff, injurious alike to the interests of Canada and of this country?

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): Her Majesty's Government have not received the details of the alteration of the tariff proposed by the Dominion Government; but they are not prepared to press the Canadian Government to modify the proposed fiscal arrangements, for which that Government is alone responsible. Her Majesty's Government will, however, transmit any representations on the subject made by the Chambers of Commerce to the Colonial Minister for presentation to the Premier of Canada. The last words in the Question of the hon. Member are an expression of opinion, which cannot be dealt with within the limits of an answer.

JUBILEE THANKSGIVING SERVICE (WESTMINSTER ABBEY)—TICKETS OF ADMISSION TO THE PLATFORM OUTSIDE OF PARLIAMENT SQUARE.

MR. W. LOWTHER (Westmoreland, Appleby): Can the First Commissioner of Works give the House any further information as to the platforms to be erected in Parliament Square?

THE FIRST COMMISSIONER OF WORKS (Mr. PLUNKET) (Dublin University): If the Members of the House will apply to Mr. Speaker's Secretary, either personally or by letter, to-morrow, on Wednesday, or on Thursday, between the hours of 12 and 6, for one or two tickets, they will receive one or two tickets as they desire. The price, as I have already mentioned, will be 10*s.* for each ticket, and that, of course, should be paid at the time the application is made. This, of course, is to pay for the expense of erecting the platform, and I am glad to assure hon. Members that they, or their friends who may avail themselves of these tickets, will have, I believe, the best view of the procession that can be had; but it will be necessary that they should be in their places by half past 9 o'clock on the morning of the 21st. I again wish to say that I have desired only to consult the convenience of Members, and that I have done the best I could under the circumstances.

LORD RANDOLPH CHURCHILL (Paddington, S.): If any profit arises from this transaction, what will become of that profit?

MR. PLUNKET: That is a question which will be reserved for further consideration. At present I can assure my noble Friend that I have not much expectation of any large funds being realized by way of profit. But there would be no difficulty in disposing of a surplus, either by the Chancellor of the Exchequer or by myself.

Subsequently,

MR. DILLON (Mayo, E.): I wish to ask the First Lord of the Treasury, When he hopes to be able to inform the House as to the course of Business next week and the adjournment? as it would greatly facilitate the arrangements of those Members who do not care to be in London while the Jubilee is going on.

THE FIRST LORD (Mr. W. H. SMITH) (Strand, Westminster): I will endeavour to make a statement to-morrow, if it will be for the convenience of hon. Members that I should do so. I had originally intended to state our proposals on Thursday; but I will see if it cannot be done earlier.

ORDERS OF THE DAY.

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CRIMINAL LAW AMENDMENT (IRELAND) BILL.—[BILL 217.]

(*Mr. A. J. Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 9th June.*]

[SIXTEENTH NIGHT.]

Bill *considered* in Committee.

(In the Committee.)

PROCLAMATION OF DISTRICTS.

Clause 5 (Proclamation of district for the purpose of the preceding enactments of this Act).

MR. HENRY H. FOWLER (Wolverhampton, E.): I propose, in the first line of this clause, to move the omission of the words "The Lord Lieutenant by and with the advice of the Privy Council," in order to insert "Her Majesty by Order in Council." The effect will be to provide that the proclamation of districts under the Act should be made by Her Majesty in Council instead of by the Lord Lieutenant. The Government are proposing to deprive a majority of Her Majesty's subjects of their Constitutional privileges, and the change involves so grave an exercise of authority that the responsibility of it should rest with the Cabinet as a whole, and not with the Lord Lieutenant. It is said that the Lord Lieutenant is responsible to Parliament; but his responsibility is very different from that of the Government, as a whole, defending its action in this House. The permanent officials of Dublin Castle, by whom the Act will be administered, are not in sympathy either with the people of Ireland or this House, and I should like to see a Ministry responsible to Parliament for the administration of such an Act.

Amendment proposed, in page 4, leave out line 30, and insert "Her Majesty by Order in."—(*Mr. Henry H. Fowler.*)

Question proposed, "That the words 'Lord Lieutenant' stand part of the Clause."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): I quite sympathize with the right hon. Gentleman in his effort to attach as much solemnity to Proclamations as possible. But I do not think, on the whole, a sufficient case has been made out for the Amendment. As the right hon. Gentleman says, the Government collectively are responsible, and in the present condition of Irish affairs, every important act is carefully considered by the Government as a whole. The Irish Secretary is undoubtedly primarily responsible, and the acceptance of the Amendment would take away the initiative of the Irish Secretary. I am not, therefore, prepared to depart from the precedent of a large number of years.

MR. MAURICE HEALY (Cork): The right hon. Gentleman the Chief Secretary for Ireland has admitted the responsibility of the Cabinet. Why, then, should not their responsibility be acknowledged on the face of a Proclamation? The Amendment may be contrary to precedent, but that by no means constitutes a conclusive argument against it, because the precedents made by the Irish Government in the past have all been bad, and the less they are followed the better. Liberal Unionists who on past occasions have not hesitated to condemn the "Castle," ought to support the Amendment, because it will to a certain extent transfer responsibility from the Castle to the Government.

MR. MAC NEILL (Donegal, S.): I should like to have a distinct answer to the following Question. Is there a separate Cabinet for the management of Irish affairs? The Irish Privy Council is largely composed of Judges, and we have the statement of Chief Justice Morris that the judicial members of the Council never take any part in instituting or advising criminal prosecutions. By whom, then, are these duties performed? By the *residuum* of the Council, by men like The O'Conor Don, Mr. Bruen, and Mr. Kavanagh, who have been defeated at the polls by Nationalist Members. Every vile scheme that disgraced England's rule of Ireland in the 18th century was hatched in the Irish Privy Council. I hope that in future there will be no divided responsibility for the advice given to and the action taken by the Privy Council in Ireland.

Mr. PICTON (Leicester): I think the Amendment is extremely important, and it ought, I hold, to command the support of all Unionists, because its adoption would emphasize the unity of the Three Kingdoms. The liberties of the people in any part of the country ought not to be taken away by an inferior authority. Responsibility for what is done in Ireland under this Bill ought therefore to rest upon Her Majesty's Privy Council. Proclamations issued by the Lord Lieutenant in Council will be less likely to attract attention than Proclamations issued by the Privy Council in England. As it is of great importance that the Proclamations should be as public as possible, in order that they may be discussed and criticized, they ought to issue from the English Privy Council.

Mr. CLANCY (Dublin Co., N.): The object of the Amendment is to prevent the Irish Privy Council from acquiring extra powers. At present reprehensible things are done every day in Ireland by persons connected with the Executive, and when Questions have been asked in this House with reference to them, they have been met with lying and evasive answers. I do not mean that hon. and right hon. Gentlemen who read the answers out are guilty of falsehood and evasion, but the answers themselves are correctly described by the epithets which I have applied to them. They are generally obtained by the authorities in Dublin from the very persons whose conduct has been impugned.

Mr. A. J. BALFOUR: This Amendment will not really affect the administration of the Act; and I would, therefore, put it to hon. Members opposite whether it is not desirable to go to a Division at once without further delay, so that other and more important points may be discussed?

Mr. DILLON (Mayo, E.): If this Amendment would make no difference in the administration of the Act, the Government ought to accept it. Since the Government have now decided to Report the Bill on a certain day, I hope that the closure will now be dropped, and that hon Members wil be saved the trouble of tramping into the Division Lobby on the Motion "That the Question be now put."

Mr. W. E. GLADSTONE (Edinburgh, Mid Lothian): As there is only a limited quantity of time left to be spent in the consideration of this Bill in Committee, it would be well to expend that time on points of importance that require consideration. Under the circumstances there appears to be considerable force in the remarks of the hon. Gentleman who last spoke, with regard to the closure. Those who unduly prolong the debate will do so at their own cost.

The FIRST LORD of the TREASURY (Mr. W. H. Smith) (Strand, Westminster): The Government are prepared to accede, as far as possible, to the suggestion of the hon. Member for Mayo (Mr. Dillon) enforced by the observations of the right hon. Gentleman (Mr. W. E. Gladstone). The Government desire to abstain from enforcing the closure at all times, and especially under the present circumstances. There are some points of considerable importance that have still to be discussed, and which the Government are most anxious to have discussed. But if unimportant Amendments are debated at length there will be no time to consider these important points. I I should be glad if the right hon. Gentlemen would consider what they regard as the really important points with a view to having them fully discussed.

Mr. HENRY H. FOWLER: I am of the same opinion as when I moved the Amendment; but I do not desire that it should occupy any more time; and, as it was of no use going to a Division, I will ask leave to withdraw it.

Mr. DILLON: I and my hon. Friends are quite competent to judge what are important Amendments; and within the miserable and inadequate space of time yet remaining, we ought to be allowed to discuss such Amendments as we choose, and at such length as we choose. We refused altogether to take the opinion of the Treasury Bench as to what are important Amendments. The right hon. Gentleman the First Lord of the Treasury (Mr. W. H. Smith) has invited us to proceed to what he terms the important points in the Bill; but it is well known that the Government will not make any concession on those points, and the suggestion of the right hon. Gentleman is therefore merely to proceed to full-dress parade debates, from which the Irish Members will gain nothing whatever. We have not hitherto obstructed this measure, and we shall not do so in the future; but we shall continue to contest it, as we have contested it in the past, with a view to getting such concessions as we can. The fact that the Bill is to be reported on a certain day will have no effect whatever in altering our course.

MR. JOHN MORLEY (Newcastle-upon-Tyne): The right hon. Gentleman the Member for Mid Lothian (Mr. W. E. Gladstone) has not suggested that the Members on this side of the House should assist the Government in debating what the Treasury Bench may consider the important principles of the Bill. We, on this Bench, agree entirely with the observations that have fallen from my hon. Friend the Member for East Mayo (Mr. Dillon). This is a Bill which chiefly concerns Ireland, and upon which Irish Members have a special right to speak, upon which the opinions of Irish Members are more important than those of English Members. We have no sort of intention of subscribing to the doctrine of the right hon. Gentleman the First Lord of the Treasury that the two Front Benches should settle what are the important Amendments to be discussed, and what are not, and that then we, on this Bench, should be called upon to advise the Irish Members below the Gangway to agree only to discuss such important Amendments. The suggestion of my right hon. Friend the Member for Mid Lothian rather was that hon. Gentlemen below the Gangway, in the short and artificially limited time remaining, should use it in discussing such Amendments as they themselves, and not the Government, consider to be essential.

Question put.

The Committee *divided*:—Ayes 235; Noes 167: Majority 68.—(Div. List, No. 225.) [6.15 P.M.]

MR. O'DOHERTY (Donegal, N.) moved, in line 30, after "lieutenant," to insert—"A Judge of the High Court, after a local inquiry, shall so report, may." The hon. Member said: I am of opinion that a district, before it is condemned to martial law, such as is proposed in this Bill, should have an opportunity of testing the state of criminality upon which such a Proclamation as this is proposed to be made. My experience as to the nature of the information which reaches Dublin Castle is that, as a general rule, it is imperfect and ineffective; and if there exists a desire to proclaim a district, I fear that very little attention is to be paid to the actual state of facts, but a great deal more to the state of feeling which exists among a particular class. Much more is done by earwigging the officials of Dublin Castle than by proving the extent of criminality. Of course, we may not know upon what local grounds a man has been arrested; but there ought to be, as a condition precedent to the Proclamation of an entire district by the Lord Lieutenant, under the Act, that a Judge of the High Court should have held a local inquiry, and reported in favour of such Proclamation. The object I have in view in submitting this Amendment is to put an end, if possible, to a state of things which would enable a district to be proclaimed without previous inquiry. I am sorry that I do not see the hon. Member for South Tyrone (Mr. T. W. Russell) in his place, because he will remember that we had a controversy in regard to the issue of the Proclamation which ended in the wresting of the County of Donegal from the political power of the Hamiltons. In that case there was a Proclamation issued; but so strong were the views of the people in favour of their tenant rights that the issue of it virtually decided the election. I believe it was admitted at last that the Proclamation had been hurriedly made, and that it was based upon information which had been very loosely supplied. The circumstance, however, will give the Committee some idea of what may happen hereafter if precautions are not taken to guard against it. I do not know why the Government should oppose the Amendment, except upon the ground that it may occasion delay; but it must be borne in mind that the 1st and 2nd sections of the Bill cannot come into operation rapidly; and, above all things, the 3rd and 4th sections will necessarily entail delay, seeing that they involve the order for a special jury, and the order for a change of venue. Therefore, there cannot be any objection to the Amendment on the ground of delay. I ask the Committee to consider that the inquiry I am desirous of instituting is not as to the guilt or innocence of an individual, but as to the existence of a state of criminality—whether or not a crime or series of crimes has been committed. The existence of crime is a very different thing from proving the guilt or innocence of an individual; and all I ask is that before an entire district is subjected to martial law, the facts of the case shall be made perfectly clear by means of an inquiry conducted in a judicial manner.

Amendment proposed,

In page 4, line 30, after the word "Lieutenant," to insert the words "if a Judge of the High Court, after a local inquiry, shall so report, may."—(*Mr. O'Doherty.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): There are two reasons why the Government cannot accept this Amendment, and they are reasons the force of which will, I think, be admitted by the hon. Member himself. In the first place, I doubt whether an inquiry like that suggested by the hon. Member would be possible, as the Judge would have no power in examining witnesses to administer an oath. The responsibility of proclaiming a district must, of course, rest upon the Executive, and by this clause power is given to the Lord Lieutenant to issue a Proclamation, "by and with the advice of the Privy Council," whenever it may appear to him necessary to put the powers of the Act into force. I think the Committee will be agreed that the whole of the Government, including the Cabinet, should be responsible for the issue of the Proclamation. If, instead of proclaiming a district on the responsibility of the Lord Lieutenant, an inquiry of this nature were instituted, directing the Judge of the High Court to examine the facts, and to report to the Executive that a particular district ought to be proclaimed, the Executive would have no alternative but to act upon the Judge's Report, and the responsibility for what is purely an Executive act would be taken from the Executive altogether and placed upon the Judge. The Lord Lieutenant would naturally say that in proclaiming a district he had acted upon a Judicial Report, that he was not acquainted with the facts himself, and that he threw the whole responsibility upon the learned Judge who inquired into the matter. Upon all these considerations, I think it would be undesirable to adopt the proposal of the hon. Member.

MR. MOLLOY (King's Co., Birr): I certainly cannot appreciate the force of the reasons which have been given by the right hon. and learned Attorney General for Ireland for opposing the Amendment. He says that a learned Judge would have no power to examine witnesses or administer an oath, and, therefore, that his advice would be of no value. But can the Lord Lieutenant examine witnesses on oath? The Lord Lieutenant, of his own free will, will be able, under this clause, to proclaim a county or district when and how he likes, and so far as evidence of the existence of criminality is concerned, it will not be necessary at all that he should form an accurate opinion. The Attorney General has let the cat of the bag, because whatever information can be supplied to the Lord Lieutenant could equally be supplied to the Lord Lieutenant by a Judge, and my hon. Friend has moved his Amendment, because he thinks that a Judge would be more capable of examining into the matter than the Lord Lieutenant. It must be recollected that a Judge, when he is elevated to the Bench, ceases any longer to belong to a political Party, whereas the Lord Lieutenant is the direct Representative of a political Party—namely, the Party which may happen, at the moment, to be in power. He is always a Member of the Cabinet, and the proposed reference in the clause to the Privy Council is one of those myths with which we are occasionally indulged in this House. What is a Privy Council? It is a close borough.

THE CHAIRMAN: Order, order! The hon. Member is travelling somewhat wide of the Amendment.

MR. MOLLOY: The alternative given in this clause is that the Lord Lieutenant is to do certain things "by and with the advice of the Privy Council," and it was only in that sense that I presumed to call attention to the matter. I will, however, go no further, but will simply point to an analogous case—namely, that of Wales. There is no Lord Lieutenant in Wales, but there have been disturbances in Wales recently in reference to tithes, which disturbances have been somewhat similar in their character to those which have occurred in Ireland in reference to rent. What would the House say if a proposition were made by the Prime Minister that "by and with the advice of the Privy Council," the Government should have the power of proclaiming a district without submitting the evidence as to the existence and criminality to any properly constituted Court of Inquiry?

MR. WALLACE (Edinburgh, E.): The right hon. and learned Attorney General for Ireland has assigned a curious reason for the decision he has come to. He says it would be impossible for a Judge to take steps to arrive at any reliable opinion, because he cannot examine witnesses on oath.

MR. HOLMES: I did not say that a learned Judge could not arrive at a reliable opinion, but I said that if such an inquiry were held, he would not have the power of examining witnesses upon oath, and that his report would relieve the Government from their responsibility.

MR. WALLACE: I presume that any judicial inquiry is an inquiry by a Judge, and I fail to see why a Judge should not be as able to institute an inquiry into the state of a district as into any other matter. The principal argument for the introduction of the Bill at all was that the Government relied almost exclusively upon the Judges' charges. If that be so, how can they now say that an investigation by a Judge would fail to satisfy either the public or the Lord Lieutenant or the Judge himself? It is utterly impossible to reconcile the two sets of statements. The right hon. and learned Gentleman says the adoption of the Amendment would shift the responsibility from the Executive on to the Judge. That is the very thing that would be valuable. We know very well what value to attach to the phrase "the responsibility of the Irish Executive." I am afraid that they are not much troubled with notions of responsibility, but feel chiefly responsible to their own ideas and their own animosities. That is quite enough to satisfy them without having the slightest regard for the world outside. A Judge, however, is in a very different position. He has a reputation to sustain, and he would be slow to give a decision as to the existence of a state of criminality in a particular locality unless, in his opinion, there was a good deal to justify that decision. Then, again, a Judge would, in all probability, have been for some time in office, and would have acquired habits of impartiality. Whereas, the Lord Lieutenant or the authorities in Dublin Castle have certainly not strengthened their impartiality by the way in which they have acted. One-sidedness is the quality which their position tends most to intensify. For these reasons, I am more convinced than ever that there must be something valuable in the Amendment, in consequence of the inconclusive arguments advanced by the right hon. and learned Attorney General—arguments which are entirely at variance with the grounds upon which the Government profess to justify the introduction of their Bill. Their plea for the necessity of a Bill of this kind at all was that, in the opinion of the Judges, a considerable amount of criminality existed in certain parts of the country.

MR. CHANCE (Kilkenny, S.): I think that my hon. Friend has been somewhat too severe on the right hon. and learned Attorney General for Ireland, who feels it his duty at all times to support the administration of Dublin Castle. The right hon. and learned Gentleman pointed out that if there were a judicial inquiry by a Judge, and his Report was to the effect that no crime existed, that then the Lord Lieutenant could not proclaim the district, but that if the Judge did report the existence of criminality, however undesirable it might be politically the Lord Lieutenant would be left no alternative, but would be bound to proclaim the district. I can quite understand, therefore, the object with which the right hon. and learned Attorney General and the Government object to this Amendment, for I can fully see that the liability to obey the direction of a Judge might, in some cases, be extremely inconvenient. I can understand the right hon. Gentleman the Member for West Birmingham (Mr. Joseph Chamberlain) or some of his allies going to Ireland and declaring at an election time that South Tyrone was in a shaky condition, and that, therefore, the district had better be proclaimed with the usual accompaniment of batoning the people and running them into gaol for a few weeks until it might be possible to tide over the election. I have no doubt this would be a very convenient arrangement for the purpose of carrying a contested election, or even to secure the appointment of guardians of the poor and so on. I therefore think that the hon. and learned Attorney General, from his point of view, has acted with extreme wisdom in objecting to the Amendment; but I think it would have been more manly and straightforward if he had given the real ground for desiring to retain the clause as it stands—namely, that he may be able to use it hereafter for political purposes.

Mr. W. REDMOND (Fermanagh, N.): I cannot help thinking that there is something extremely suspicious about the refusal of the right hon. and learned Attorney General for Ireland to allow a Judge to inquire into the state of a district before it is proclaimed. I can quite conceive why the Government refuse to accept this Amendment, the adoption of which would give the Irish people the satisfaction of knowing that if a district is to be proclaimed it will not be proclaimed in a haphazard manner according to back stairs information supplied to the Lord Lieutenant by interested parties, but that no district will be proclaimed without a Judge having first decided that there was a state of disturbance in the district which warranted its Proclamation. The simple difference between us as to the Amendment is this—that if the Amendment is accepted we shall all have the satisfaction of knowing that there must be an inquiry before a district is proclaimed, whereas if the Amendment is refused there will be no inquiry at all. If the Government were animated by fair and upright motives they would accept the Amendment, knowing very well that if an inquiry were held it would at least satisfy the public that there was an excuse for the Proclamation of a district, and more than that—if a district is proclaimed in Ireland Her Majesty's Advisers would be able to say to the people of England that the course taken was justifiable. They would be able to say—"It is quite true that we have been obliged to proclaim this district, but we did not do it until an inquiry was held, which inquiry was presided over by a Judge of the High Court, and we have his certificate that the district is in such a condition as to require its Proclamation." If the real object of the Government were to put down crime and outrage they would not object to a Court of Inquiry; but, as a matter of fact, they do not wish to proclaim districts in Ireland because of the existence of crime and outrage, but simply in order that they may strike political opponents and combinations of tenants against harsh landlords. They desire to retain in the hands of the Executive, and of the advisers of the Executive, the power of proclaiming a district from private motives without the slightest regard to the existence of crime and outrage. I think we have proved quite sufficient, in this discussion, to show that what the Government are aiming at is not the Proclamation of a district on account of the existence within it of crime and outrage, but to put down lawful and legitimate combination. If it were otherwise they would not refuse this Amendment. But they know that the result of an inquiry, in almost every case, would be that the district would not be proclaimed. Of course, that would not suit the Government, because they wish to retain in the hands of Dublin Castle the right of doing this without reference to a judicial decision of any kind. I am glad that the Government have refused the Amendment, because it clearly shows what it is that they are really desirous of striking against. I think there is no hon. Member representing an English constituency who will not say that our request is fair and reasonable, and that the Government are unreasonable in refusing it.

Mr. CLANCY (Dublin Co., N.): I am surprised that the right hon. and learned Attorney General for Ireland (Mr. Holmes) should have talked of the responsibility of the Lord Lieutenant and the Irish Executive. That responsibility has been shown again and again to be perfectly illusory, and to mean nothing whatever. In one passage of his speech the right hon. and learned Gentleman stated that if a Judge reported in favour of the Proclamation of a district the Government would have no alternative but to proclaim it. Now, to say that the desire of the Government would be not to proclaim a district is surely an attempt to impose upon the credulity of hon. Members. The right hon. and learned Gentleman says that no means have been provided by which such a judicial inquiry could be held by a Judge, but the Government are not so destitute of resources that they are unable to provide the means. A clause of six lines would give them every power, and would enable them to send for persons, records, and documents. The right hon. and learned Attorney General, however, let the cat out of the bag, and gave up the whole of the case when he refused to submit to the decision of the Judges. What he says, in fact, is that these Proclamations will be issued as the result of secret earwigging between the landlords and the officials of Dublin Castle. Let me give an instance, to show the value of one of those Proclamations, and the manner in which they are obtained. I refer to a case which occurred last summer. There were several prisoners tried on the 25th of June last in the County of Longford, under the Whiteboy Act, and the question of the state of the district was an element in the case of the prosecution. There was an attempt to prove that the district was in a disturbed state by producing a copy of *The Dublin Gazette*, in which the district had been proclaimed. Chief Baron Palles presided at the trial, and, not being satisfied with the mere production of the *The Gazette*, he addressed Mr. Trench, the Crown Prosecutor, in these words—"Do you intend to give evidence of the state of the district?" Mr. Trench—"We have *The Gazette* here proclaiming the district." The Chief Baron, not satisfied with this, proceeded to question the police constable, and this conversation occurred:—

> "Chief Baron—'Is this district in a disturbed state, sergeant?'—Sergeant Jennings—'Well, not much; nothing extraordinary.'—Chief Baron—'We do not want to hear anything about extraordinary. Was this district quiet on or about the 25th of June last?' Sergeant Jennings—'It was quiet, my Lord.'"

Mr. Trench, Q.C., said he would close the case for the Crown by handing in *The Dublin Gazette*, proclaiming the district in question.

> "Chief Baron—'Is there anything in the Statute, Mr. Trench, which says that the Proclamation in *The Gazette* is to be taken as conclusive evidence of the disturbed state of a district?' Mr. Trench—'No, my Lord, except that it may be taken as *primâ facie* evidence.' Chief Baron—'But it is of no value in the face of a statement of a witness who swears that it was quiet.'"

And the Crown Prosecutor had the grace to say, "No, my Lord." It appears that the Resident Magistrate, Mr. Benjamin Hill, R.M., was present. Mr. Trench thought his best course was to call Mr. Hill to contradict the statement of the sergeant of police, and I ask the Committee to watch the result.

> "Mr. Trench, Q.C.—'With your permission, my Lord, I would like to go back and produce Mr. Hill, the Resident Magistrate, and ask him about the state of Longford.' Chief Baron—'It is very irregular. The thing has become serious now, for you are producing one witness to contradict another witness of yours.' Mr. Trench—'Well, my Lord, he said, it was not much disturbed.' Chief Baron—'He made use of the expression, but I made him go back and answer the question distinctly. I have his words down, and I will leave the question to the jury.' Mr. Trench—'I know it is irregular, my Lord, but I wish to ask Mr. Hill some questions.' Chief Baron—'Very well.'"

Mr. Hill, however, grievously disappointed the learned gentleman. Here is a report of Mr. Hill's examination—

> "Mr. Benjamin Hill, R.M., was then called, and on being sworn, said—'That he could not say the district was very disturbed; but he had two police posts on derelict farms—one on Lord Annally's estate, and the other on the estate of M'Colloms' minors. The Annally protection post was in existence last June, and the other was established a month ago.' Mr. Featherston—'Is not the County of Longford, and particularly the south, in a very quiet state? Was it not quiet last summer, and is it not so?' Mr. Hill—'Yes.' Chief Baron—'Can you say, that at this time, it was in a state of disturbance?' Mr. Hill—'There were some cases of trespass on these derelict farms, but they had no serious outrage.'"

There can be very little doubt, after this evidence, that it was Lord Annally who got the County of Longford proclaimed on that occasion, and what we want to prevent is, that any man, like Lord Annally, engaged in a contest with his tenants, should be able to go up the backstairs of Dublin Castle and earwig the Lord Lieutenant into issuing a Proclamation to serve his private interests. The Irish Members have no objection to a judicial inquiry conducted by one of the Judges of the land; but they do object to Lord Annally or any other Irish landlord having a right to say a word on the subject, seeing that they are the very persons who are most deeply interested in the matter. If the individuals chiefly interested in getting a district proclaimed are to have the ear of the Lord Lieutenant, and are to be able to set the machinery in motion, then I maintain that it will be impossible to avoid doing the grossest possible injustice under this section.

Mr. MAURICE HEALY (Cork): As I understand the argument of the right hon. and learned Gentleman the Attorney General for Ireland, the right of judging whether a district is in such a condition in reference to criminality as to justify its proclamation is to rest solely with the Lord Lieutenant. The right hon. and learned Gentleman says that there is no precedent for this semi-official inquiry into the state of a district for which we now ask. Now, I assert that there is, and the Committee will have already gathered that that is so from the newspaper report of the case which occurred in the County of Longford which has just been read by my hon. Friend the Member for North Dublin (Mr. Clancy). Under the Whiteboy Act it is necessary to show that when a particular offence has been committed the district was in a disturbed state. If that were proved the offence thereupon became a criminal offence. which otherwise it would not have been, That being so, we certainly have a precedent in the existing legislation for submitting to a judicial tribunal the question whether a district was in a disturbed state or not. Under the Whiteboy Acts it was necessary that the matter should go through a jury. That, however, is not necessary under this Bill; but I wish to point out that it has a direct bearing upon the proposals contained in the Bill. The Act itself is to be set in motion by the finding of a tribunal in exactly the same position as a Judge would be in if he were to hold an inquiry of this kind. When Lord Cowper's Commission sat a large amount of evidence was taken in reference to Boycotting, but the Commission had no power to accept sworn testimony, and every item of evidence given before the Commission was evidence which could not be subjected to cross-examination, and they had no power of rebutting anything the witnesses stated. Nevertheless, that Commission had the power of summoning witnesses before them. That being so, we have surely a right to submit to the Committee that if the class of unsworn evidence taken by the Cowper Commission was a sufficient justification for applying the principle of coercion to Ireland, it will be a much less strong and a much less drastic proceeding to give power to a Judge to make a judicial inquiry before a district is proclaimed. That is my reply to one of the points raised by the right hon. and learned Gentleman. The other point was the familiar one, that if before you proclaim a district you send down a Judge to hold an inquiry of this kind, and make it a condition precedent, you divest the Executive of all responsibility. That would be an effective argument if we either proposed to take away the responsibility of the Executive, or if the responsibility of the Executive really amounted to anything. We really do not think that it does, and on the principle that "a bird in the hand is worth two in the bush," whatever value there may be in an inquiry of this kind, it is quite evident that the Irish people might occasionally get a fair decision, and would obtain more substantial justice than if they are left to the irresponsibility of the Executive. My knowledge of the Executive in Ireland induces me to believe that, no matter what Government happens to be in Office, the Executive would do anything the Government called upon them to do. At any rate, that is our experience of the past. We consider that this preliminary inquiry would have a special value. We ask, before the liberty of a district is taken away, by the whispering of a landlord or his agent into the ears of the officials of Dublin Castle, that the district, at any rate, shall have the opportunity of defending itself before a public officer who shall hold a regular constituted judicial inquiry.

Mr. JOHN O'CONNOR (Tipperary, S.): I am surprised that the Government have refused to accept the Amendment of my hon. Friend. The adoption of it would save them a good deal of this responsibility which they seem to regret; it would save the Lord Lieutenant himself from being advised by the Reports of the Resident Magistrates or of the police, who, of course, have an interest in sending them. In many cases a magistrate, such as Captain Plunkett, may be inclined to send in a Report as to the disturbed state of a district, which Report, when thoroughly inquired into by a Judge, would be found to be utterly destitute of foundation. Then, again, the Resident Magistrates themselves are liable to be deceived or mistaken by the Reports which they receive from the police and their subordinates. In many parts of Ireland it is said that there is what may be described as a state of siege, rather than the administration of the ordinary law; and the police in Ireland, as well as the Resident Magistrates, together with the ordinary officers of the law, are desirous that the law should be set aside, and that they should be armed with powers to enable them to perform their duties with as little trouble to themselves as possible. There is an old saying that nobody can rule in a state of siege; but the Irish police fancy that they can rule districts in the remote corners of Ireland when they are aided and assisted by the powers which this Act will give them. In point of fact, they are of opinion that they themselves may be enabled to place the country in a state of siege. But I think it would save the Lord Lieutenant himself from being betrayed into the commission of any serious mistake if this Amendment were adopted. We know that "distance lends enchantment to the view," and people who are removed to a distance from Ireland conjure up all kinds of fears as to the state of things which is prevailing in that country. Not long ago I met in London a lady who was about to visit Ireland, and who said that she was going there in fear and trembling for her life. I saw her again upon her return, and she told me that she had found the Irish people the kindest, the mildest, and the quietest in the world. It was "the distance" that led this lady to conjure up fears in regard to the disturbed stated of Ireland; and so it is with the Lord Lieutenant. He sits in Dublin Castle, and he hears nothing but the reports of biassed chief magistrates, or lazy sub-constables, and officials who desire to get this power, and who are in the habit of looking at these districts through a long telescope, which produces the picture of a terrible state of affairs. Having received these dreadful reports, the Lord Lieutenant is tempted to proclaim the districts to which they relate. All this difficulty would be avoided by the appointment of a Judge to conduct an official inquiry, and take evidence as to the state of the district on the spot. Let me give the Committee an instance to show the exaggerated character of the reports which are made to the Lord Lieutenant. In one district—that of Castleisland—a place which has been tolerably well known lately—there was found a Resident Magistrate who had a conscience, and who, on being put upon his oath, was disposed to tell the truth. I allude to Mr. Davis, of the Castleisland District, who stated, before the Cowper Commission, that the terrible accounts which had been given of that district had no foundation at all; that the district was not disturbed; and that there were only two persons who were suffering seriously from Boycotting. This is the very district which furnished the late Mr. W. E. Forster with all his statistics in justification of the Crimes Act of 1882; and yet you have a man—the Resident Magistrate attached to the district—declaring that there are only two people in it who are seriously Boycotted. I am informed by an hon. Friend of mine, sitting near me, that this fair-minded magistrate has since been transferred; it appears that his services are not wanted in the district of Castleisland, because he happened to tell the truth. It is for these reasons I say to the Committee, and to the Government in particular, that it is to their interest to accept the Amendment. It is certainly to the interest of the Lord Lieutenant to accept it, because it is likely to save him from exaggerated reports on the part of the Resident Magistrates and police. Further, it is to the interest of the good government of the country that the responsibility should be placed on some judicial personage, who would make an inquiry on the spot as to the necessity of the proclamation of the district. For these reasons I support the Amendment; and I would strongly urge upon the Committee the desirability of accepting it, and adding it to the Bill.

Question put.

The Committee *divided*:—Ayes 126; Noes 202: Majority 76.—(Div. List, No. 226.) [7.15 P.M.]

MR. MAURICE HEALY (Cork): I have to move an Amendment, in line 30, to leave out the words "by and with the advice of the Privy Council." I believe it is a fact that the Privy Council in Ireland does not occupy the same position as the Privy Council in this country. The Members of the Privy Council are certainly much too numerous for effective consultation; and, as a matter of practice, I believe they are never consulted as a body. On the contrary, the Lord Lieutenant and the Executive content themselves with seeking advice from a small number of the Council who are Members of the Cabinet. We all know very well what a Cabinet is; but, as a matter of fact, it is a body which has no legal existence. When an hon. Gentleman is promoted to Cabinet rank, the position he occupies is not recognized by any Act of Parliament, and, so far as the law is concerned, "the Cabinet" is altogether non-existent. We have been told that the Judicial Members of the Privy Council do not concern themselves with the initiation of criminal proceedings, or with matters appertaining to criminal proceedings. It follows, therefore, that when the Lord Lieutenant seeks the advice of the Privy Council with reference to such matters, he applies to what has always been described as the *residuum* of the Council, consisting of discredited politicians. In former times the English Privy Council was a consulting body; and, to some extent, that state of things still prevails in Ireland, with the necessary consequence that the Privy Council exercise a most dangerous and a most noxious influence upon political Parties in Ireland. It is that state of things we desire to put an end to, so far as the administration of this measure is concerned. We ask that the Lord Lieutenant shall not be permitted to evade his responsibility; we ask that if the conduct of the Lord Lieutenant happens to be impugned in this House or elsewhere, he shall not be permitted to say—"I acted, not upon my own initiative, but upon the advice of the Privy Council." We ask that the responsibility shall rest directly with the Lord Lieutenant and the Government of which he is a Member, and that in this case the old maxim, that "what is everybody's business is nobody's business," shall not be allowed to operate. Moreover, we ask that the advice given to the Lord Lieutenant as to the administration of the provisions of this measure shall not come from a body composed exclusively of men who for years past have been in bitter conflict with the mass of the people of Ireland. For these reasons I move the Amendment; and I cannot help expressing my regret that the right hon. Gentleman the Member for Great Grimsby (Mr. Heneage), who has placed an Amendment on the Paper in precisely similar terms to that which I am now proposing, is not in his place this evening to move it. I think it would have been very interesting, as a matter of curiosity, to know what are the views of the particular body to which the right hon. Gentleman belongs upon this subject.

Amendment proposed, in page 4, line 30, to leave out "by and with the advice of the Privy Council."—(*Mr. Maurice Healy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): It is usual to provide, in matters of this kind, that the Lord Lieutenant shall act "by and with the advice of the Privy Council," and the Government cannot accept the Amendment, which would be a new departure. Hon. Gentlemen below the Gangway seem to think that the Lord Lieutenant should be solely responsible for issuing Proclamations under this measure; but, in the opinion of the Government, it is more desirable that he should follow the usual course of acting "by and with the advice of the Privy Council."

MR. CLANCY: I judge from the answer of the hon. and learned Gentleman that the Government cannot accept the Amendment, because they wish that the responsibility of the Lord Lieutenant should be shared by someone else.

MR. A. J. BALFOUR: All that we say is that we are not prepared to accept the Amendment.

MR. CLANCY: It has been said that the Irish Judges give advice to the Lord Lieutenant in reference to proceedings in criminal cases; but I think I am bound to accept the statement of the Lord Chief Justice of Ireland, made only recently, that the Irish Judges do not take part in matters of this kind except as a mere formality. Who, then, would be the persons left who, as Privy Councillors under this Bill, would perform the duty of advising the Lord Lieutenant? They are chiefly ex-Chief Secretaries of the Lord Lieutenant, such as Sir George Trevelyan, the right hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman), Mr. James Lowther, who never, I believe, attended a meeting of the Privy Council, and the right hon. Gentleman the Member for Newcastle-upon-Tyne (Mr. John Morley), who, also, has never been present at the meetings of the Privy Council. Consequently, the duty of advising the Lord Lieutenant will be left to the following persons:—In the first place, there is the Duke of Leinster. [An hon. Member: He is dead.] I am reminded by my hon. Friend that the Nobleman whose name appears at the head of the list as Duke of Leinster, and who had a seat on the Privy Council, is dead. Therefore it will be necessary to omit him from the list. I very much regret it, because I was going to point out that he was the only decent man of the lot. The next name on the list is that of the Marquess of Waterford, a Nobleman well-known as one of the foremost champions of the Orange Landlord Party in Ireland, and noted for his rack-renting antecedents and for his quarrels with his tenantry. Only very recently the noble Marquess challenged his tenants to go into the Land Court. He asked them for an increase of 50 per cent upon the whole of their rents, and the judgment of the Court was to reduce the rents by 50 per cent instead of to increase them. The next name upon the list is that of the Marquess of Drogheda, a worthy brother-in-arms of the Marquess of Waterford. He is not merely a Tory — I do not object so much to his being a Tory. [*A laugh.*] I observe that the hon. and learned Gentleman the Member for Ashton-under-Lyne (Mr. Addison), who was returned by the casting vote of the Returning Officer of that borough, and who is one of the most demonstrative Members in this House, laughs. Well, I have said that the Marquess of Drogheda is a brother-in-arms of the Marquess of Waterford; and, so far as rack-renting is concerned, I believe the Marquess of Drogheda to be one of the worst landlords, not only in Ireland, but in the civilized world. It is pretty generally known that the Marquess of Drogheda has been constantly engaged in conflicts with his tenantry, and that he has been proved over and over again to be a rack-renter of the most ferocious description. The next name is that of the Marquess of Headfort, who is another of the same class, and then comes the Earl of Belmore, who also takes premier rank among the landlord party, and who is followed by Viscount Monck, whose career as an Irish landlord has certainly not been unexceptionable. We come next to the Right Hon. W. H. Cogan, one of the gentlemen who have been expelled from the Irish representation. He is another member of the landlord class, and he will endeavour, no doubt, to assist the Lord Lieutenant by justifying the actions of His Excellency whenever a desire is expressed to proclaim a branch of the National League in a particular district. Then follow the names of Sir William Gregory and Mr. H. Bruen, the latter of whom was expelled from the representation of the County of Carlow. Mr. Bruen stands in the very front rank of the rack-renters of that county, and he has a personal interest in seeing that the provisions of this measure are put in force in the most merciless manner. The same may be said of Mr. Arthur McMurrough Kavanagh, who was one of the principal landlord witnesses before the Cowper Commission, and who boasted before that Commission that he had cut out of the newspapers everything that reflected discredit on the National League; that he had pasted his cuttings on pieces of paper; and that he was ready to put them in as evidence before the Commission. That gentleman would, I feel satisfied, be most effusive in the advice he would tender to the Lord Lieutenant, and would feel it a sacred duty to tell him to suppress right off every branch of the National League in existence. Then we have the right hon. and gallant Gentleman, who is called here Colonel Edward Robert King-Harman. [Mr. A. J. Balfour: Hear, hear!] The Chief Secretary says "Hear, hear!" which means, I presume, that he is greatly assisted by the right hon. and gallant Gentleman in the discharge of his duties in this House. I congratulate him on his taste and judgment. I have mentioned the names of some of the gentlemen who will have to advise the Lord Lieutenant in putting the provisions of this Act in force. How this family party will work is clear enough. They will dine together on some special evening, and discuss the shortcomings of the National League;

and then they will advise the Lord Lieutenant that certain branches of the League are keeping the whole countryside in a state of disturbance, and that the district ought to be proclaimed. In that way the whole thing will be done, and the liberties of the people of the district will be completely taken away. A more disreputable and a more disgraceful mode of proceeding was never heard of in any civilized country. It is altogether foreign to anything like Constitutional government. We know very well that the statements we make on this subject will be characterized as exaggerated. [An hon. MEMBER: Hear, hear!] But I will commend to the attention of the hon. Gentleman on the opposite side who says "Hear, hear" the recent statement by Sir George Trevelyan, which bears out, in substance, every single word the Irish Members have advanced from these Benches. Sir George Trevelyan states distinctly that he knows, from official experience, that a certain ring exists in Dublin Castle by means of which alone this sort of machinery is kept going. When we have an important witness like that upon our side I do not think it necessary to refer more particularly to the sneer of the hon. Gentleman on the other side. As I have pointed out, the Members of the Privy Council who will give advice to the Lord Lieutenant will consist of the working gang of the Council, who are the worst landlords who can be found in Ireland—landlords who have long been in conflict with their tenants, and whose rents have been cut down 40, 50, and 60 per cent by the Land Courts, and who have, therefore, personal motives for taking vengeance by a merciless use of this Act. It is a gang of this kind that is to advise the Lord Lieutenant as to the issue of these Proclamations, and it is to their will and by their *fiat* that you are to control the liberties of the Irish people.

MR. JOHN MORLEY (Newcastle-upon-Tyne): I was under the impression that the Amendment of the hon. Gentleman below the Gangway was superfluous, because I understood him to say that "by and with the advice of the Privy Council" was purely formal. I remember that when I was engaged in passing through this House a small measure last year, the same kind of criticism in reference to the Privy Council was made which is being made now, and on that occasion I felt it my duty to point out that the action of the Privy Council was little more than nominal and purely formal. I understand the Chief Secretary to say now across the floor of the House that the Irish Judges do take part in the deliberations of the Privy Council, and give advice in executive action?

MR. A. J. BALFOUR: What I said was, that I could not accept an Amendment which stood in the name of the right hon. Member for Great Grimsby (Mr. Heneage), because it would prevent the Lord Lieutenant from taking the advice of the judicial element of the Privy Council. My hon. and learned Friend the Attorney General for England (Sir Richard Webster) has pointed out that the reason why we cannot accept the Amendment of the hon. Member for Cork (Mr. Maurice Healy) is, that we proposed to deal constitutionally with the matter in this Bill. It has been stated that it was not customary for the Judicial Members of the Privy Council to concern themselves with the initiation of proceedings; but, if that was so, the object is to provide that they shall concern themselves with it in future.

MR. O'DOHERTY (Donegal, N.): It is impossible to understand that the Government can have any logical reason for objecting to this Amendment. When the last Amendment was proposed the Government alleged that they could not accept it, because it would remove responsibility from the Lord Lieutenant. That was the only answer they made to the Motion for inserting the words proposed. Now, we move the omission of words from the clause which would enable the Lord Lieutenant to take advice with reference to the proclamation of districts from whomsoever he pleased, in order that he might be responsible for proclaiming the districts; but this time we are met by the hon. and learned Attorney General (Sir Richard Webster) in quite a different strain. We find ourselves quite unable to fix the Government by any argument that it is possible to bring forward, because they slink away from every argument, even their own. After the statement of the right hon. Gentleman the Chief Secretary for Ireland and that of my hon. Friend the

Member for North Dublin (Mr. Clancy), there is no doubt whatever as to what will be done in these cases of proclamation. As a matter of fact, instead of the words "by and with the advice of the Privy Council," the clause ought to run "by and with the advice of the executive or police in the county." That would be the true interpretation of the intentions of the Government. Besides that, it will be from the ranks of the permanent officials that appointments will be made when vacancies occur from time to time, and it will be upon the opinion of such gentlemen as these that the judgment of the Lord Lieutenant will be formed. I cannot understand why the Government should wish to retain these words, unless it be for reasons that have been given; and, without wishing to detain the Committee at greater length, I would suggest to the Government that, perhaps, the proper wording for the clause would be—"The Lord Lieutenant by and with the advice of a Council of War," and so on.

Question put, and *negatived.*

MR. SHAW LEFEVRE (Bradford, Central): In the absence of my hon. and learned Friend the Member for West Southwark (Mr. A. Cohen) I rise to propose the Amendment standing in his name, which is one of considerable importance. It is, besides, an Amendment in respect of which I appeal to the Government with great confidence, in the expectation that they will agree to insert the words I propose in the clause. During the discussions on this Bill we have had frequent references to the Act of 1882; and in the case of many Amendments proposed on this side of the House, when anything has been stated contrary to that Act, we have had the Act quoted against us. We have now to propose an Amendment in accordance with the Act of 1882. The clause before the Committee follows the words of the Act of 1882, with a single exception. The Act of 1882 provided that the Lord Lieutenant of Ireland should only proclaim a district where it was necessary to do so "for the prevention of crime and outrage;" and I propose, therefore, to insert these words in the clause which is now before us. I think I have shown a very strong case for appealing to the Government to accept this Amendment. Then, as to the importance of the Amendment. In the clause as it at present stands there would be no direction whatever to the Lord Lieutenant as to the circumstances under which he might proclaim a district in Ireland. It will be left entirely to his discretion whether he is to proclaim a district or not, and the causes which may influence him will be various. There may, for instance, be an article which appears in a newspaper in one of the districts which he may not like, and which the Law Officers might tell him could not form the subject of a prosecution with any chance of success, and he might endeavour to meet the difficulty by proclaiming the district. Then, again, it might be that owing to a combination among his tenants a landlord could not get his rents, and that the members of the combination, although not refusing to pay the rent, were only able to pay a reasonable amount. In this case the landlord might go to the Lord Lieutenant and induce him to believe that such a condition of things existed in the district that it ought to be proclaimed. Now, neither of these things could have been done under the clause of the Act of 1882, when there was a much greater danger to the landlords in Ireland than there is now. As I have said, the clause of the Act of 1882 directed that a district should only be proclaimed when it was the opinion of the Lord Lieutenant that it was necessary to proclaim it for the prevention of crime and outrage. I have looked back to several Coercion Acts, and I find that in them all there are words to this effect, generally limiting the action of the Lord Lieutenant. In the Act of 1833, which was the strongest Coercion Act passed in this House, as it came down from the House of Lords, there were no such restrictive words; but the House of Commons inserted words to provide that no proclamation should be made of any district merely for the refusal to pay tithes. The insertion of the words I refer to shows how necessary the House of Commons considered it, even under stronger circumstances than exist at the present moment, that the proclamation of a district should not take place on account of any agrarian movement. Now, the words which I propose to introduce, and which were contained in the last Coercion Act, have been omitted from the present Bill, and I ask the Government why it is that those words are left out? We have heard often enough of the precedent of the Act of 1882. Why, then, have the Government not followed the precedent of the Proclamation Clauses in that Bill in this respect? There must be some reason for it, and I venture to ask the Government, even if they do not accept the Amendment—which appears to me to be both reasonable and proper, and for which there is the strong case I have brought before the Committee—I ask them why it is they have omitted these words? I do not wish to detain the Committee at any length in moving this Amendment; but I repeat that a strong case has, in my opinion, been made out for following the wording of the Act of 1882, which placed a limitation on the action of the Lord Lieutenant in proclaiming a district. If the Government do not accept the Amendment, they should, at least, tell the Committee why the words have been omitted.

Amendment proposed, in page 4, line 32, after the word "necessary," to insert the words "for the prevention of crime and outrage." — (*Mr. Shaw Lefevre.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir RICHARD WEBSTER) (Isle of Wight): The right hon. Gentleman asks us for our reasons for not inserting the words of his Amendment in the present clause. If we had considered that these words were fit and necessary we should have been pleased to insert them; but our own opinion is that they would not be proper in the present Bill, and that they were out of place in the Act of 1882. I point out to the Committee that this is a Bill not only for the prevention, but for the punishment of crime in Ireland; there are several sentences in the Bill also referring to the detection of crime. That being the scope of the present measure, it would not be desirable to restrict its operation in the manner proposed by the Amendment; and our reason for objecting to the words is that they would not be in accordance with the principle of the Bill.

MR. JOHN MORLEY (Newcastle-upon-Tyne): Surely the argument of the hon. and learned Attorney General is an extraordinary one. Does the hon. and learned Gentleman really mean to say that the Government have left out this most important restriction and limitation because it would have been inconvenient and cumbersome to insert three words? A more ludicrous argument could not be imagined. The real explanation is that the Government have left out the words because this is not a Bill for the prevention of crime and outrage, but because it is a Bill for the suppression of political combinations in Ireland; and the attitude of the Government, with reference to this Amendment, is one of the many illustrations with which they furnish us of their real object. We have already tested them by various Amendments; and this Amendment is only a test the more. We say that if your Bill is really aimed at crime and outrage, you should put into it the restriction which was in the Bill of 1882; and if you do not introduce the words, it is one more proof, as I have said, that the Bill is aimed at political combinations, and not at crime and outrage.

MR. BRADLAUGH (Northampton): The hon. and learned Attorney General has said that the Government do not want to encumber the Bill with words which might lead to its further enlargement. These words would cover conviction for crime and outrage; and it must be that, in rejecting them, the Government want the Bill for something besides the prevention of crime and outrage—there can be no other reason for not accepting the Amendment. If they want to put down lawful agitation, it is necessary that they should leave out these words; but if they only want to prevent crime and outrage, the word "prevention" would cover everything. I trust the Government will not resist words which, if inserted, will limit the Bill to the prevention of crime and outrage, and which, if left out, will show that the Government only desire to use the clause as a means for putting down political combination. If the right hon. Gentleman who moved the Amendment (Mr. Shaw Lefevre) will permit me, I would move to insert, after the word "prevention," "and punishment," so as to make the clause run, "for the prevention and punishment of crime and outrage," so as to throw upon the Government the responsibility of rejecting the words.

Amendment proposed to the proposed Amendment, to insert after "prevention" the words "and punishment."—(*Mr. Bradlaugh.*)

SIR RICHARD WEBSTER: I do not see how we can accept the Amendment of the right hon. Gentleman if these words are inserted. It is not possible to catalogue all the proper motives which might induce the Lord Lieutenant to put this section in force.

MR. SHAW LEFEVRE: The only argument used against this Amendment was that it did not go far enough. We have now met that argument, and I trust we shall be allowed to amend the Amendment in the sense proposed by the hon. Member for Northampton. When that is done, I can see no possible ground on which the Government should refuse to accept it. If they do not accept the Amendment in its then form, it is clear that they must be influenced by other motives than the prevention and punishment of crime.

MR. T. P. O'CONNOR (Liverpool, Scotland): I ask the Government to accept the Amendment last proposed without a Division, so as to give us an opportunity of discussing the whole Amendment.

Amendment to the proposed Amendment *agreed to.*

Question proposed, to insert, after "necessary," the words "for the prevention and punishment of crime and outrage."

MR. T. P. O'CONNOR: We have now the whole Amendment before us, and if the Government do not intend to add anything to the statement of the Attorney General I presume we must go on with the discussion. The attitude taken up by the Government upon this Amendment will and ought to regulate our action not only upon this, but every succeeding Amendment proposed to the Bill. I say this because an appeal was made to us by right hon. Gentlemen opposite to-day to confine our Amendments to matters of principle. In the acceptance of such a proposal there is something implied—namely, that we should be met by the Government with something like a disposition to accept an Amendment of some kind to the clause; but I am bound to say that if we are met by the Government with an obstinate resistance to every Amendment, good, bad, and indifferent, we shall gain nothing by our concession. We test the Government by this Amendment, and if they refuse it, then I say that we shall be driven to the conclusion that the Government intend to stand by every word of the Bill. If that is so, I ask the right hon. Gentleman what is the use of our curtailing discussion—where will be the advantage of making this concession, if our doing so is to have the effect of leaving the Bill precisely where it was when we started? So much with regard to the attitude which we shall take up. I now come to the Amendment before the Committee, and upon this subject I may say that I have never seen a man more completely hoisted with his own petard than the hon. and learned Attorney General. He says that he does not object to the principle of the Amendment, but he objects to the Amendment because it is not sufficiently enlarged. Well, my hon. Friend the Member for Northampton enlarges the Amendment, and the moment he does so the hon. and learned Attorney General changes his mind.

SIR RICHARD WEBSTER: I pointed out that we could not catalogue all the proper motives which might induce the Lord Lieutenant to put the section in force, and I expressly stated this, not by way of justification to ourselves, but in answer to the statement of the hon. Member opposite.

MR. T. P. O'CONNOR: I say that we are just where we were before, unless we get this Amendment agreed to. That is what the remarks of the hon. and learned Gentleman have made absolutely clear. There are only three things which the Executive can do with regard to crime; they can prevent it; they can detect it; and they can punish it; and I defy the metaphysical genius of the right hon. Gentleman the Chief Secretary for Ireland to name any condition of being or ontology—which, I believe, is the word in favour just now in Scotland—with regard to crime that is not included within the terms "prevention," "detection," and "punishment." That being so, I suggest that the Amendment should be again amended by putting in the words "and punishment," and I say that these terms finally exhaust the whole category in respect of crime and outrage, and that if the Government will not accept the Amendment in that form it is because they want to extend the Bill beyond those limits. I say that we on these Benches are perfectly ready to be judged with regard to the Amendments we have proposed to this Bill, and that the Government will also be judged by the country for their refusals to accept them.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR) (Manchester, E.): The right hon. Gentleman who moved the Amendment (Mr. Shaw Lefevre) originally, the hon. Member for Northampton (Mr. Bradlaugh), who amended it, and the hon. Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor), who proposes to amend it still further, have all charged the Government with a sinister motive in not following the precise words of the Act of 1882. The particular charge is that the Government are aiming at political combinations instead of the detection and punishment of crime. But this is an accusation which we have always denied, and still deny. This section is only to enable the Lord Lieutenant to set in motion the other clauses of the Bill. The proper way would be to amend the clauses which define the offences, and not the clause for setting in motion the machinery directed against crime and outrage; but we believe that the Amendment, as proposed to be amended, would not have the effect of limiting in the slightest degree the operation of any other clause in the Bill.

MR. T. P. O'CONNOR: Then why do you not accept it?

MR. A. J. BALFOUR: That is exactly what we mean to do.

Amendment proposed to the proposed Amendment, after the word "prevention" insert the word "detection."—(*Mr. Attorney General.*)

Question, "That the word be there inserted," put, and *agreed to.*

Question proposed, in page 4, line 32, after "necessary" insert, "for the prevention, detection, and punishment of crime and outrage."

MR. BRADLAUGH: I do not rise to offer any opposition to the Amendment. I merely wish to say that I do not follow the reasoning of the hon. and learned Attorney General in thinking that it is possible to punish crime without detecting it.

Question put, and *agreed to.*

Amendment proposed,

In page 4, line 34, after the word "force," to insert the words "for the period of six months or such lesser period as may be stated in such Proclamation."—(*Mr. Chance.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): It is my duty to state that, as far as the Government are concerned, they must oppose this Amendment, as well as all others upon the Paper which have for their object the limitation of the period during which Proclamations shall continue. Whatever period was inserted, it might be that in one case it would be too long and in another too short for the necessities of the case. The provision of our Bill is that the Proclamation may be revoked at any time. In the case of former Proclamations it is within my own knowledge, and that of many hon. Members of this House, that they have been revoked at widely different periods; I have known Proclamations revoked after 14 days, after a month, after three months, and even after a period of years. I cannot, therefore, see what could be gained by adopting the Amendment proposed, or in other similar Amendments which contain nothing that would prevent the Lord Lieutenant issuing a new Proclamation immediately upon the withdrawal of the former. Under these circumstances we cannot accept the Amendment.

MR. CHANCE (Kilkenny, S.): The right hon. and learned Attorney General for Ireland states that his objection applies not only to this Amendment, but to every Amendment upon the Paper which proposes to limit the period during which the Proclamation is to run. I regret that the right hon. and learned Gentleman has not turned to the next page, because he would see there a reference to the expiry of Proclamations. If there is no date mentioned for the expiry, it is obvious that the period of Proclamation cannot expire at all. We know that it is impossible to fix the date of expiry absolutely; but there would be nothing to prevent the Lord Lieutenant from proclaiming a district afresh on the eve of expiry, and the object of the Amendment is to compel the Lord Lieutenant to look into the matter and discover what the true state of the district may be. That we consider to be only a reasonable provision. The fact that the Proclamation depends upon the existence of crime and outrage makes this Amendment all the more reasonable. We know that the strongest pressure will be brought to bear by rack-renting landlords and broken-down country gentlemen upon the Lord Lieutenant and Chief Secretary for Ireland to keep these Proclamations in force in order that they may get rid of those whom they consider to be objectionable neighbours. Therefore it is that we want to make the Lord Lieutenant responsible; we want to make his responsibility real, and to give him an opportunity of exercising those great abilities which he is supposed by some, although not by us, to possess.

Mr. O'DOHERTY (Donegal, N.): The right hon. and learned Attorney General for Ireland does not seem to understand the object we have in supporting this Amendment. The complaint is, that this is a Coercion Act which is to be everlasting. All former Coercion Acts were Acts which expired at a certain date, and the Proclamation necessarily terminated with the Acts themselves; and not only was that the case, but the rules and regulations were such as to afford a hope that the Proclamations would terminate when the causes which had brought them about had ceased. The case here is quite different, and I think the right hon. and learned Gentleman will see that if the necessity for the Proclamation continues after the time named in this Amendment, there will still remain a large amount of unused force in the Lord Lieutenant and the Privy Council, which can be exercised in re-proclaiming the district. The right hon. and learned Gentleman objects that the time named may be too long or too short; but we think, on the other hand, that the period stated would prove to be neither the one nor the other. Everyone who has had any experience in these matters will see that it is not a light thing to subject men for an undefined period to what is, as a matter of fact, equivalent to control by court martial. I am sure the right hon. and learned Gentleman will remember the observation of the learned Judge who said that a certain trial in Ireland represented to his mind the trial of a Kaffir at the Cape by a jury of Dutch Boers. These are the words of a Judge who knows the force of language; and I repeat that it is no light matter that a clause of this kind should be irrevocable. We have known the case of a district remaining under Proclamation until it was forgotten; and there have been others in which the liberties of the people have been suspended for indefinite periods, and these are among the reasons why we urge upon the Government the acceptance of the present Amendment.

Mr. WARMINGTON (Monmouth, W.): This Amendment, in the first place, has been proposed to show that there shall be a period for the expiring of an ordinary as well as a special Proclamation, and how it shall take place; another object is to make it obligatory on the Lord Lieutenant and his advisers to reconsider the Proclamation periodically. I think it is not too much to ask that the Officers of the Crown should periodically consider whether or not a Proclamation should be renewed?

Mr. JOHN O'CONNOR (Tipperary, S.): In connection with the Coercion Act of 1882, there was a promise given by the late Mr. Forster that each individual case should be inquired into every three months. Now, Mr. Forster was a very stern man; but there were good-natured points in his disposition, and he held, among other things, that no Coercion Act should be passed for an unlimited time, and further, as I have said, that an investigation should take place into individual cases. If after three months investigation was regarded then as necessary, how much more necessary is it now that some limit should be put to the time during which the liberties of the people of Ireland are at the mercy of the Crown Prosecutor? Mr. Forster considered it unwise that a Government should have the powers of a Coercion Act to be hung like a sword over the people, and taken down to be used according to the disposition of any official. It is clear from this that Mr. Forster had some conscience left; but the present Government have none left whatever. I trust the conduct of Mr. Forster will not be lost upon the Government on the present occasion, although, up to the present time, they have simply turned their back on every Amendment which has come from this side of the House. When they accepted the last Amendment they were on the horns of a dilemma, and there was no escape for them; but now they say that they will not accept an Amendment of this reasonable and necessary character, although it has a very strong precedent in its favour —namely, that a similar proposal was adopted by Mr. Forster. For that reason, although I do not expect it, I still hope they may be induced to accept the words of limitation which my hon. Friend proposes.

MR. ARTHUR O'CONNOR (Donegal, E.): I wish to point out that the Bill refers to the expiring of the Proclamation, and I have to ask how, if there is to be no termination, any Proclamation can be said to expire?

MR. T. P. O'CONNOR (Liverpool, Scotland): I am surprised that the right hon. and learned Attorney General for Ireland does not think it necessary to answer the arguments of my hon. Friend. If a Proclamation be not limited in duration, what is the meaning of the words in the next clause? I understand the right hon. and learned Gentleman's explanation rather tells against his own position, because I understand him to say that he contemplates that these Proclamations should be limited, not in the words of the Proclamations, but in respect of the necessity for them. If that be so, I suggest that six months is not an unreasonable period to propose. The right hon. and learned Gentleman may be able to conceive that circumstances might arise in which a Proclamation should continue for an unlimited time; but I should be sorry to think that such a state of crime and outrage was about to last for ever in Ireland as would make it necessary to continue in existence such an Act as this, although I give the right hon. and learned Gentleman and his Party credit for doing all they can to increase crime and outrage there. But if there be in Ireland any considerable amount of crime and outrage, or if the Government succeeds in bringing about such a condition of things, I do not think that it will last for ever; and, therefore, I do not see why they should take the precaution of making the Act everlasting. The Government say that we are limiting the period of Proclamation, but that we do not, at the same time, give any protection to the locality against re-Proclamation. We are, of course, not so ignorant as to suppose that the Proclamation could not be renewed by the Lord Lieutenant; but we want to secure that a district shall not be proclaimed for a longer period than is absolutely necessary. I was going to refer to the Act of 1882, but in that matter the hon. Member for South Tipperary (Mr. John O'Connor) has anticipated me, and it will not be necessary for me now to do so. I wish, however, to point out that the limitation of the period to three months in the Act of 1882 was not that dead letter which the right hon. Gentleman seems to imply would be the result of such a limitation in the Bill. It is true that, under Mr. Forster's Bill, a prisoner was not bound to be released at the expiration of three months; but, at the same time, by this clause the attention of the right hon. Gentleman the Chief Secretary for Ireland was specially directed to the case of an individual whose release was, as a matter of fact, very often secured. That release was, I am sure, largely due to the fact that the Lord Lieutenant was compelled by the words of the Statute to give personal attention to the circumstances, and so reconsider the imprisonment of individuals. What we ask is that the same period for review should be given in the case of localities as in the former case was given to individuals; and if that is not conceded, it is clear to us that the Government want to make this Act still more merciless than the former.

MR. CHANCE (Kilkenny, S.): The position taken up by the Government is that, having proclaimed a district because there exists a certain amount of crime and outrage, they mean to continue that state of things after every vestige of crime and outrage has disappeared. We charge them with doing that purely for political purposes.

DR. COMMINS (Roscommon, S.): I cannot see that the argument of the right hon. and learned Gentleman is consistent with the provisions of the Bill. He says that he would not have it understood that these Proclamations are to be for an indefinite period. But if that is so, why is it not stated in the Bill? Why not say that the Proclamations shall remain in force for such time as the Government shall think fit. I can see no objection to that unless they want to take greater powers than they wish the public to know of. There is a matter in connection with this subject which I think has not been touched upon, and which requires attention. Proclamations in Ireland are always attended with consequences other than the mere prosecution of offenders; they are followed by the billeting of an enormous force of police which have to be supported by the localities. This clause, therefore, gives the Government power of taxing for an unlimited period a proclaimed district. I cannot see any reason why the Proclamation should not be limited in respect of duration, just as it is limited in respect of area; and, therefore, in view of these indefinite powers I think the Amendment a very reasonable one, and shall give it my support.

MR. O'DOHERTY (Donegal, N.): I ask the right hon. and learned Attorney General for Ireland whether he will not agree to there being supervision every three months, leaving the Proclamation in force unless it be withdrawn? That would simply have the effect of calling attention to the actual state of affairs.

MR. HOLMES: I must point out to the hon. Member that Her Majesty's Government do consider that the provisions of the Act of 1881 would not be applicable to the present case. I have already explained to the Committee that the Government cannot accept any Amendment having for its object to limit the term of Proclamation.

MR. MAURICE HEALY (Cork): The right hon. and learned Attorney General for Ireland seems to forget that this is a permanent Act. Surely, having regard to that fact, and that so much has been made of the argument by Gentlemen opposite, we are entitled to ask that this point, with reference to the revision of Proclamations, shall be conceded. It is a very difficult thing to get a Proclamation withdrawn in Ireland. There are always 100 persons ready and eager that a district should be proclaimed; but there are very few who are ready to come forward and urge that the Proclamation should be withdrawn. That being so, we want some limit to be placed on the act of Proclamation; we propose that there should be a limit of time, and that when the period is drawing to a close it should be the duty of the Lord Lieutenant to review the facts and circumstances relating to the district, and decide judicially whether or not the Proclamation shall remain in force. If there is anything in the contention of the Government that the limitation is of no use because we make no provision against renewal, I say that we cast on the officials in Ireland the responsibility and duty of periodically renewing the circumstances, and considering whether they warrant the continuance in force of the Proclamation. We know from the fact that no persons will take the trouble to examine the circumstances that a Proclamation may continue in force for an unlimited period, and unless our Amendment is accepted there will be nothing in the Bill to compel the officials in Ireland to examine into the necessity of continuing or withdrawing the Proclamation. That being the case, we know perfectly well that a Proclamation, being once issued, will remain upon a district, so far as the present Government are concerned, without anything being done for its removal.

THE LORD MAYOR OF DUBLIN (Mr. T. D. SULLIVAN) (Dublin, College Green): I think that the suggestion of the hon. Member for North Donegal (Mr. O'Doherty) is well worthy of the attention of the Government. It takes from their hands no power whatsoever, and it simply provides that there shall be a periodical review of the circumstances of these Proclamations. I think it most desirable that this proposal should be accepted for the purpose of casting upon the officials in Ireland the duty of reconsidering the various Proclamations and, in case they see reason for it, withdrawing them. But from another point of view I think the suggestion an admirable one, inasmuch as it would have a good effect upon the proclaimed districts. I believe that if it were known that the state of a district would be brought under consideration at the Castle, it would be an inducement to the people of the district to present a better record. On the other hand, if no such provision is made, there would be no inducement to bring about an improved state of affairs. I cannot see that the position of the Government will be in any respect weakened by the introduction of the words proposed by my hon. Friend, nor can I see anything in favour of their opposition but the mulish obstinacy they have shown in refusing all Amendments from this side of the House.

Mr. P. J. POWER (Waterford, E.): I agree with my hon. Friend that unless you accept this Amendment it will be a matter of indifference to the people of the district whether crime exists there or not. The right hon. and learned Gentleman the Attorney General for Ireland has, in answer to the hon. Member for the Scotland Division of Liverpool (Mr. T. P. O'Connor), tried to insinuate that the punishments under this Act would not be so great as under the Act of 1882; but we say that in that respect the two Acts cannot be compared for a moment, and that this Act curtails the liberties of the people more than any former Act. From the position taken up by the Government we can only conclude that they intend these Proclamations to be permanent.

Question put.

The Committee *divided*:—Ayes 102; Noes 145: Majority 43.—(Div. List, No. 227.) [8.45 p.m.]

Dr. COMMINS (Roscommon, S.): I have an Amendment in line 34, to leave out from "Ireland" to "Proclamation" in line 35, and to insert "from a day not earlier than seven days from the date of such Proclamation." My object is to give reasonable notice of the proclamation of the districts for the purposes of the provisions of this Bill to persons who may be interested.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Dr. COMMINS: The clause as it stands is objectionable from two points of view, because it leaves you in doubt when the Proclamation will come into force, because it says "within any specified part of Ireland as from the date of the Proclamation." Well, we know that there is no division of a day in law; and, supposing the Proclamation is issued on the "13th June," that may mean any time of the day or night of the 13th June. The Proclamation may be issued at 10 minutes to 12 o'clock at night, and a person who may have done some act quite innocently, such as attending a meeting at 5 o'clock in the morning, 17 or 18 hours previously, may be proceeded against, prosecuted, and found guilty under the procedure sections of this Act, owing to the framing of this clause. This section is in reality, owing to the way in which it is worded, retrospective to the extent of 24 hours. That is a serious objection to the clause as it stands, as it is quite open to that interpretation. There is another interpretation that may be put upon it, and one quite as objectionable, and that is that the Proclamation will issue after the application of the Act. It does not exactly say it here—but it does not say the contrary in such a definite way as to preclude a person wishing to put that construction upon it from doing so. I suppose the construction is that the Act, if passed on the 14th, would come into operation on the 15th, and that the Proclamation may be issued on the 15th; but we know from previous experience how unfair it is to allow a Proclamation to issue at a period when it is too late to take precautions against it, or to avoid violating the particular provisions promulgated by that Proclamation. That is a thing we have constantly experienced in Ireland; it has happened hundreds of times. Say a meeting is called at a certain place on a given day. Placards announcing that meeting may have been out on the hoardings and on the roadsides for a week or a fortnight—I know a case where they have been out for a fortnight. People may come to that meeting from 20 miles round, but at half-past 11 o'clock at night on the day preceding that fixed for holding the meeting a notice may have been posted up proclaiming the meeting. That was done in the case I refer to, and the notice was handed to the chairman of the meeting in my presence. Not only has that occurred in my own experience, but we know that it has been done over and over again in Ireland. Proclamations are issued up to within a very short time of the hour at which the meetings are to be held, and people who come miles and miles to attend these meetings are liable to criminal prosecution under these Proclamations, although they were entirely ignorant that what they were about to do was illegal. I cannot think that the Government intended to render this sort of thing possible under this Bill. It has been so often complained of in Ireland, not only with regard to the present Government, but also with regard to other Governments, that I should have thought they would have taken measures to prevent its recurrence in connection with this Act. I am bound to hold that the Government are quite aware that this sort of thing is done. They must know the mischief they have brought about from time to time, and the danger to which it exposes the community, to riot and disorder. They must know that the Proclamations themselves have been the cause of serious disturbances—they must know that on many occasions it has been nothing less than sheer good luck which has prevented the breaking out of serious riot and disorder as the result of these Proclamations themselves. In many cases, so far from the Proclamations being a means of preserving law and order, and preserving the peace, they have been the very reverse. The Amendment I propose would prevent any of these dangers occurring. I do not think there is anything unreasonable in asking that some little notice should be given to the persons interested. At all events, let there be a word before a blow is struck. A week's notice is little enough. It might be said that dangers might arise within these seven days that I ask for. It may be said that a conspiracy may be growing up in a neighbourhood, or that some evictions like those at Bodyke may be coming on, and that the Executive must not be limited in point of time. It may be said—"In many cases it will be necessary to act immediately, and the mischief may be done before the seven days you ask for has expired." Well, there is nothing in that case. In the cases of evictions which bring about disturbances, such as those at Bodyke, our experience tells us that it is not likely that breaches of the peace are brought about in a day. Notice of evictions is given months before. It takes 14 or 15 days, even when an eviction motion is not defended, before a decree can be issued or a judgment obtained; and the Government will, therefore, have not one week, but several weeks' notice of the fact that there is going to be a battue of peasants at an eviction such as occurred at Bodyke or Glenbeigh. The Government will have plenty of time to issue their notice of Proclamation, in order to give fair intimation to the people. And the same thing applies to other matters which are made the subject of Proclamation. It may be said that there may be some secret combinations going on, and that it is necessary for the Government to have power to act immediately they find it out; but surely the Government find out these combinations rapidly enough. It is hard to draw a distinction between the office in Printing House Square and Her Majesty's Treasury, and it is hard to see that they are not identified with each other, and that the knowledge and suspicion of the one is not the knowledge and suspicion of the other. We know that there is not the slightest conspiracy of any kind in Ireland that *The Times* newspaper is not acquainted with. Surely *The Times* newspaper having this knowledge will not be so unpatriotic as not to communicate what they know to the Treasury. We know perfectly well that *The Times* newspaper does not keep secret anything from the Treasury, and that the Treasury does not keep anything secret from *The Times.* If there is anything in the reports which reach them about combinations, they know more about the matter than anyone else—they having means of knowing more about these things than anyone else that I know. Therefore, it would be arguing the utmost incapacity on the part of the Government if you were to say that the Government could not know anything about a conspiracy until it was on the eve of breaking out. I utterly repudiate the notion that they would not know, from their own means of information, what the combinations which exist in Ireland are, or when they are going to take place. I say give the people some notice of what is going to be done before they are brought under the provisions of this Act by the sudden springing of this Proclamation upon them. Give a word before a blow. Do not act like the treacherous Red Indian who springs upon his enemy from behind a hedge. Do not enact a retrospective law of this kind. I move the Amendment which stands in my name, and though I have not much hope of its being accepted, I put it down with some confidence that the arguments I have submitted in support of it will not be very easily disposed of.

Amendment proposed,

In page 4, line 34, leave out from "Ireland" to "Proclamation" in line 35, and insert "from a day not earlier than seven days from the date of such Proclamation."—(*Dr. Commins.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I do not know whether the hon. Gentleman has seen the effect of his own Amendment—at any rate, if he has, he has very wisely refrained from acknowledging it to the Committee. His argument might have been a very good one as applied to the Crimes Bill of 1882; but there is no provision in the present measure as to proclaiming meetings with a certain penalty to persons who attend them. His principal argument appears to me to amount to this—that a Proclamation can be issued declaring a particular meeting, which had been called, illegal immediately before the hour fixed for that meeting to take place, supposing that the result of that would be that those persons attending the meeting could be subjected to punishment. He says it would be unfair that a Proclamation should be sprung upon such people when they had already started from their homes for the purpose of attending the meeting; and he suggests that the result, in all likelihood, would be a collision between such people and the police authorities. Well, I say that would have been a good proposal, or, at any rate, would have had some merit in it if made in connection with the Bill of 1882; but we have no provision in this Bill with regard to meetings taking place after proclamation rendering the parties attending such meetings subject to penalties. Let us see what the effect of the Amendment would be. The 1st clause of the Bill enables secret investigations to take place, the 2nd clause deals with the decision of cases summarily, and the 4th has reference to the change of the place of trial. Well, supposing evidence was required at a secret investigation, or suppose the attendance of witnesses was required in order that the Summary Jurisdiction Clause might be put into force, or suppose that the place of trial is changed and witnesses are required to come forward, and there is strong reason to believe that the required evidence cannot be obtained voluntarily by reason of the witnesses being intimidated, if this Amendment were accepted, and those seven days' interval were allowed, we may very naturally conclude that those witnesses who are withholding evidence by reason of sympathy with the crime, or by reason of intimidation, will take the earliest opportunity of putting themselves beyond the reach of the magistrates. So that these seven days would in reality be a kind of close time during which these people could escape the necessity of giving evidence. The Amendment would in this way destroy the value of the first provision of the Bill. Take the second provision, and suppose certain turbulence existed in a district, and that for the purpose of putting it down in an effective way it is necessary to resort to the application of summary jurisdiction, it is clear that these seven days' notice which would be required under the Amendment would be, in the highest degree, antagonistic to the operation of that clause. In the same way, as regards the 3rd clause which refers to the order for a special jury, and the 4th clause, which deals with the change of venue, where you have a person returned for trial, and where it is necessary in order to have a fair trial that you should have this clause put into operation, it will be seen that if this Amendment were adopted it might cause a delay which would prevent the trial taking place at the Assizes then being held in the town to which the venue had been changed. The delay might render it absolutely necessary to try the prisoner without change of venue and without appeal to a special jury. It is for the purpose of avoiding these inconveniences and difficulties that the Government are compelled to oppose this Amendment.

MR. MAURICE HEALY (Cork): I deny that it follows that, in order to make the present clause effective, we must negative the Amendment of my hon. Friend the Member for South Roscommon (Dr. Commins). I do say that the right hon. and learned Attorney General for Ireland, in giving the answer he has done, has limited himself to arguing the matter in an altogether technical manner. He will not deny that my hon. Friend put a case for his Amendment in the matter of the proclamation of meetings, and the right hon. and learned Gentleman himself saw the force of the argument founded upon that illustration, because he took it upon himself to deny that the Bill would have any relation to such a case. But he will not assert that there is not a clause in the second part of this Bill dealing with unlawful assemblies, nor will he attempt to deny that that may in certain cases be made use of for the purpose of prosecuting parties connected with meetings, and of course, indirectly, for the purpose of suppressing meetings. If that be so, it is disingenuous to say that the case which my hon. Friend has put—namely, the case of a meeting proclaimed suddenly and without notice—would be a case which could not occur under this Bill. To me it is perfectly plain that the contingency mentioned by my hon. Friend is quite possible. It is plain that the Government, under this Bill, may prosecute parties who have taken part in what they are pleased to call unlawful assemblies, and with that power in their hands—namely, the power of preventing the holding of meetings, and of dispersing meetings which they allege to be illegal—having that power in their hands, they will, as a result of it, disperse meetings which otherwise they would not be led to interfere with. The right hon. and learned Gentleman said that this Bill does not extend that far. He may be right in regard to form, perhaps; but in substance it does, because meetings which the Government would otherwise have no chance of deciding to be illegal, they will be able under the provisions of this Bill to get juries and magistrates to pronounce upon as illegal. Therefore, though no new offence in this matter of public meetings is set up by this clause, yet, in truth and in fact, the class of meetings which it will be in the power of the Government to disperse will be largely increased in consequence of the setting up of the new tribunal by the Bill. If that be so—and I think that no one can deny it—I do say that the right hon. and learned Gentleman has completely avoided the real point raised by this Amendment. It is idle to say that this Bill does not give power to the Government to suppress meetings. We do not say that it does in all cases directly — though in the subsequent clause in certain cases that is expressly provided for, although that point is not material. We say that consequent on Section 2 of this Bill the effect of this clause without the Amendment would be to largely increase the danger of having meetings arbitrarily put a stop to by the Executive. The only really effective reply the right hon. and learned Gentleman has tried to give was where he pointed out certain imaginary effects of the Amendment—certain effects that he imagined would ensue in connection with Section 1. He says that in connection with Section 1, if you accept the Amendment and provide that the Proclamation is not to come into force until a week after it is issued, that the people whom it may be necessary to call up as witnesses before a Court of Summary Jurisdiction will take advantage of the interval to make themselves scarce, and in that way to defeat the object of the Bill. Does he think that there are witnesses in any district who apprehend that the Government are going to call upon them to give evidence, who, if they do not desire to be examined, will wait the passing of this Bill to be placed in the witness box? Does he think these witnesses will not leave upon the notice they have already got without waiting the passage of this Bill? If these witnesses are on the look out for the action of the Government, are apprehensive that the Government will make use of any extraordinary power which may be given to them under this Bill to take them up and examine them, why, of course, they will leave the country before ever the Bill becomes law, and the close time which the right hon. and learned Gentleman refers to as a result of allowing this seven days' interval will be, for their purposes, absolutely unnecessary. The close time in their case would be the interval between the present moment and the day the Bill receives the Royal Assent. That an additional mischief would be done by giving the people an additional seven days I take leave to deny. I say the suggestion is absurd. It is absurd to suppose that men who are keen enough and sharp enough to catch at a seven days' interval will not be keen enough to catch at the interval between this and the passing of the Bill. That being so, the only effective argument by which the right hon. and learned Gentleman has endeavoured to resist this Amendment falls to the ground.

Question put, and *agreed to.*

[*Sixteenth Night.*]

MR. CHANCE (Kilkenny, S.): I am sorry that the Amendment we have just disposed of was not accepted by the Government; but since the Government will not accept the principle one way I will see if they will accept it in another. I would move to omit the words "or any later date specified in the Proclamation." Since the Proclamation can only now be issued where outrage and crime is apprehended, it is unreasonable to suppose that a later date would be specified in the Proclamation for putting an end to it.

Amendment proposed, in page 4, line 35, to leave out "or any later date specified in the Proclamation."—(*Mr. Chance.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I think that is a very reasonable proposition.

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived.*

MR. HENRY H. FOWLER (Wolverhampton, E.): I beg to move, in page 4, line 39, after "mentioned," to insert—

> "Any such Proclamation shall be deemed to have expired if an Address is presented to Her Majesty, by either House of Parliament, praying that such Proclamation shall not continue in force."

Now, Sir, the object of that Amendment is this. It deals in one sense with what I may call the perpetuity of this Act. We have taken exception to this measure on the ground that there is no period put in for its termination, and the argument that has been used in favour of a Coercion Bill not being temporary is that from time to time the attention of Parliament is drawn to the question of the continuance of such a measure. The precedent that I have followed in preparing this Amendment is one that the Government have followed in the next clause. In Clause 6 the Government have provided that—

> "Any such special Proclamation shall be deemed to have expired if within a period of fourteen days after the same has been laid before Parliament an Address is presented to Her Majesty, by either House of Parliament, praying that such special Proclamation shall not continue in force."

What I am seeking to do by this Amendment, which I hope the Government will accept, is to require that the Proclamation mentioned in this clause, which is practically the putting in force of the Act with the exception of the dangerous association part of it, shall be subject to the veto of either House of Parliament. That, if adopted, will secure to either House of Parliament constant control over the working of this Act. It will prevent a difficulty which we have pointed out from time to time in the course of this discussion—namely, the difficulty in the way of repealing the Act. If it were not for some provision of this kind, though the House of Commons might be of opinion that this Act should cease to be in force, yet "another place" might have to be consulted before it could be repealed. No Act of this kind has ever before been made perpetual. Previous Acts have either come to an end at the expiration of a specified time and have not been renewed, or, if they have been renewed, on their renewal Parliament has had an opportunity of pronouncing a definite opinion upon them. What I want to effect by my Amendment is that either House of Parliament should have the power of saying that the Proclamation of the Lord Lieutenant, which deals with the offences specified in the preceding clauses, shall expire. Having admitted that principle in reference to the special Proclamation for putting in force the enactments of the Act relating to dangerous associations, I hope the right hon. and learned Attorney General for Ireland will not decline to accept it as applied to this clause. If the principle is good for the next clause it surely is good for this. If the Government are prepared to accept this Amendment, I should be prepared to alter the terms of it, so as to put it on all fours with the principle of Sub-section 3 of Clause 6. The acceptance of this Amendment will enable Parliament to put an end to the application of the Act without being compelled to resort to the measure of disturbing the whole administrative system of the country and turning the Government out of Office. I propose that the House should at any time have an opportunity of saying that this Proclamation shall expire.

Amendment proposed,

In page 4, line 39, after "mentioned," insert—"Any such Proclamation shall be deemed to have expired if an Address is presented to Her Majesty by either House of Parliament, praying that such Proclamation shall not continue in force."—(*Mr. Henry H. Fowler.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): I need hardly say that in framing this clause in the terms in which it has been framed there was no wish to withdraw from Parliament the power it has undoubtedly always exercised with regard to matters of this kind. The Government must be in accord with the feeling of Parliament in regard to these things, otherwise it will not be allowed to retain its position. However, the right hon. Gentleman has advanced cogent reasons for the acceptance of the Amendment of which he has given Notice. Though we do not think that it does materially alter, in the direction the right hon. Gentleman has indicated, the clause as approved by us, yet as it is conceived by him, and as it may be conceived by others, that the Amendment will give a greater safeguard, we are prepared to concede the point and accept the Amendment.

Mr. DILLON (Mayo, E.): I have given Notice of an Amendment which is similar to Sub-sections 2, 3, and 4 in Clause 6, with slight verbal alterations, with the intention of providing that a copy of every Proclamation issued under this section shall be laid before each House of Parliament within seven days after the making thereof, if Parliament is then sitting, and, if not then, within seven days after the next meeting of Parliament. I also propose that—

"Whenever any Proclamation is issued under this section, if Parliament be then separated by such adjournment or prorogation as will not expire within twenty days, such special Proclamation shall be deemed to have expired at the end of a week from the date thereof, unless during that week Parliament shall be summoned to meet within twenty days from the date of the summons; and when a Proclamation has been allowed to lapse in the manner above specified the district to which it applied shall not be proclaimed during the ensuing six months without the consent of Parliament."

The CHAIRMAN: As a point of Order, I wish to say that the Amendment moved by the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) has not been put; if it is put, it will be added to the clause; and the object which the hon. Member for East Mayo (Mr. Dillon) seeks to obtain in bringing forward his Amendment can be secured by inserting further sub-sections after the 1st sub-section of the Amendment of the right hon. Gentleman the Member for East Wolverhampton, leaving out the last of the three, or moving it with Sub-section 1.

Question put, and *agreed to.*

The CHAIRMAN: Now the hon. Member for East Mayo can move his Amendment.

Mr. DILLON: The best course for me to adopt will be to move only two sub-sections, omitting Sub-section 3. The Amendment which I will now move will read as follows:—

"A copy of every Proclamation issued under this section shall be laid before each House of Parliament within seven days after the making thereof, if Parliament is then sitting, and if not then within seven days after the next meeting of Parliament.

"Whenever any Proclamation is issued under this section, if Parliament be then seperated by such adjournment or prorogation as will not expire within twenty days, such special Proclamation shall be deemed to have expired at the end of a week from the date thereof, unless during that week Parliament shall be summoned to meet within twenty days from the date of the summons; and when a Proclamation has been allowed to lapse in the manner above specified, the district to which it applied shall not be proclaimed during the ensuing six months without the consent of Parliament."

I propose to add, if Section 6 be retained, that when a Proclamation has been allowed to lapse in the manner there specified the district to which it applied shall not be proclaimed in the ensuing six months without the consent of Parliament. I do not see why the same safeguards that are applied in the case of what are called special Proclamations under this Act should not also be applied to the ordinary Proclamations under this Act. The powers that are given to the Lord Lieutenant for enforcing the ordinary powers under this Act are exceedingly great. Inasmuch as it is proposed by this Act, and as it is the ordinary course of Parliament to deprive the people of Ireland of all power of criticizing the government of their own country, for that is what the policy of the Government means, the least we can claim is this, that wherever a large district or section of country is placed under this oppressive legislation we should have an opportunity of discussing the policy of the Government in keeping it under that system. I do not see how the Government can possibly deny us that opportunity. If the theories and declarations of those who support the Union were honestly carried into effect the same reasonable government would exist in Ireland as exists in England; but we know very well, and it is useless to repeat it, because it has been said over and over again, that no such thing exists, or is likely to exist, there. All I would ask in the Amendment I am now proposing is that at least we may have the liberty, and that that liberty shall be secured to us, of criticizing and drawing attention to the action of the Government whenever they place a large section of the population of Ireland under the provisions of this Act. Now, with regard to the Amendment that the Government have just accepted, I desire to point out that it does not afford to us any security—any real security. It is an improvement, so far as it goes, which to my mind is of an exceedingly slender character. It does not afford to us any security whatever that what seems to be legitimate criticism can always be applied in the case of any fresh Proclamation under this Act—

> "Any such special Proclamation shall be deemed to have expired if an Address is presented to Her Majesty by either House of Parliament, praying that such special Proclamation shall not continue in force."

What does that amount to? It amounts to this, that the Front Opposition Bench may, after a Proclamation has been for a long time in existence, obtain an opportunity of moving that it be withdrawn. That, as I say, will only be when the Proclamation has been a long time in existence. In my opinion, it will never occur, because the pressure of Irish Business is already very great; and I doubt whether the Government, judging from the autocratic spirit in which they treat us and our demands, will ever be able to find time for such a thing as the discussion of these Proclamations. Even if they do, and there is a chance that the Government would allow a debate upon such a matter to Members of this House, it is manifest that no such opportunity will be afforded to the Irish Members. We should be perfectly and entirely powerless to make any Motion of that kind. How are we to get an opportunity to move a Motion? We must obtain the permission of the Government in order to do so; and we know well enough from past experience that they are far from anxious to give permission for us to make a Motion of that kind. They have always been opposed to granting an opportunity for making such a Motion, and therefore I am afraid that I have very good grounds for believing that the Amendment of the right hon. Gentleman the Member for East Wolverhampton, though no doubt well intentioned, will, in the end, prove to be a barren Amendment, for the reasons I have explained, and that we shall never have an opportunity of moving such an Address to Her Majesty at all. What I desire to secure by the Amendment I move, is, that there shall be an opportunity—a real *bonâ fide* opportunity—conferred upon our Party in this House without the consent of the Government of criticizing every proclamation of a district in Ireland. I am bound to say that I do not think this is in the least degree an unreasonable proposal. If a large portion of the Irish people are to be placed under the provisions of this Act, a few hours spent in criticism when the Proclamations are issued will not be wasted. You have the clôture now, and can put a stop to discussions of this kind when you like. You can urge no substantial objection to what we claim. The theory of the Government, the idea of the Union seems to be that an Irish Member should have the smallest influence on any matter that is Irish. That is what it amounts to, and if you deny me this Amendment, it is equivalent to saying that we are not to be allowed even to criticize, except in some of the roundabout ways which the well-known ingenuity of Irish Members discovers—that we are not be permitted to criticize the action of the Executive Government in the administration of this unusual and oppressive Bill in Ireland. If that is to be the determination of the Government, and if they have made up their minds to refuse this Amendment, all I can say is, that they will have robbed themselves of all right or shadow of justification of complaint if the ingenuity of Irish Members branches out in new directions. They have had a fair example in the past of what the result of putting the screw too hard on the Irish Members is, and I warn them that every turn that they give the screw will be a torture to themselves more and more. If they meet us fairly, we will meet them fairly; but if they meet us unfairly, we will meet them unfairly in every way we possibly can. If they treat us unfairly, it will be at the cost of their own comfort, and at the cost of a dignified method of carrying on the Business of this House. They will find that the dignity of this House will not be supported by harshly refusing to us that ordinary and reasonable justice which we ask of them. If they seek to prevent us from legitimately criticizing the administration of this abominable Act in Ireland, we shall endeavour in our own peculiar way to bring home to them the inconveniences that they are bringing home to us.

Amendment proposed,

At end of foregoing Amendment, to insert—

A copy of every Proclamation issued under this section shall be laid before each House of Parliament within seven days after the making thereof, if Parliament is then sitting, and, if not, then within seven days after the next meeting of Parliament.

"Whenever any Proclamation is issued under this section, if Parliament be then separated by such adjournment or prorogation as will not expire within twenty days, such special Proclamation shall be deemed to have expired at the end of a week from the date thereof, unless during that week Parliament shall be summoned to meet within twenty days from the date of the summons; and when a Proclamation has been allowed to lapse in the manner above specified, the district to which it applied shall not be proclaimed during the ensuing six months without the consent of Parliament."—(*Mr. Dillon.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I do not intend to inquire as to what are the "peculiar ways" that the hon. Gentleman referred to. Different persons may have different opinions as to that. All I can say on the part of Her Majesty's Government is, that I think we should not be justified, in deference to a threat of that kind——

MR. DILLON: I rise to Order. I desire to know whether the right hon. and learned Gentleman is using orderly language in imputing such a statement to me? I used no threat. [*Cries of* "Oh, oh!"] No; I used no threat; and to say that I did, is unjustly to impute to me a course which I did not take. I did not use the words in the sense of a threat; but I mentioned what would be the result of the action of the Government.

MR. HOLMES: I understood the hon. Gentleman to say that he and his Friends would try to oppose the Government in their own peculiar way. My own observation was that the Government would not be justified, in deference to a threat of that kind—and I conceive it to be a threat—to accept an Amendment which, on considering it on its merits, we should reject. The right hon. Gentleman the Member for East Wolverhampton, in moving the Amendment we acceded to, stated that he would not ask the Government to accept consequential Amendments. He said that having regard to the character of the Proclamations, it might not be convenient to the Government to accede to Amendments of that kind. The Proclamation under the 6th section is, we admit, a peculiar Proclamation for which there is no precedent, and with regard to that it is intended to give Parliament control over it; therefore we have provided in reference to that section that if Parliament be not assembled at the time the Proclamation is made, but be then separated by such adjournment or prorogation as will not expire within 20 days, such special Proclamation should be deemed to have expired at the end of a week from the date thereof, unless during that week Parliament shall be summoned to meet within 20 days from the date of the summons. In that way Parliament will be given an opportunity of deciding the matter. I think that is a proper provision in reference to the special Proclamation in Clause 6; but as regards the ordinary Proclamation, it seems to us that it stands in an entirely different position. The ordinary Proclamation refers to provisions contained in the 1st, 2nd, 3rd, and 4th clauses. It refers to the preliminary inquiry by order of the Attorney General, for the application of the summary jurisdiction, the order for special jury, and the order for change of venue. Let us take a case illustrative of what might be the result, if we accepted the Amendment. In old times we generally adjourned Parliament in the early days of August, and did not meet again until an early day in February. Though in past years we have not been so happily circumstanced as we were formerly, and have not been able to confine our Sittings within such reasonable limits, at any rate we may expect that we shall have three or four months of the year in which we shall not be occupied with the constant Parliamentary duties which are now claiming our attention. Well, supposing Parliament adjourns at the end of August, if it is necessary in some small and limited districts to put in force some of the provisions of this Bill, or all the provisions, it may be, which are consistent with the 1st, 2nd, 3rd, and 4th sections, then, if this Amendment were accepted, it should be necessary before we could carry out that purpose, that Parliament should be called together. Parliament would meet on the earliest day, and, having considered the point brought before it under this Amendment, it would be again prorogued. Subsequently, the state of things which led to the Act being put in force in that small district might spread to an adjoining barony, and it might be necessary to apply the Act to that part of the country. Before that could be done, however, it would be necessary to have another meeting of Parliament and another prorogation, and we should have to act in that way in regard to every district whenever an outburst of crime took place. During the few weeks interval between one ordinary Session and another, we might have Parliament called together again and again to consider matters of this kind. If crime and intimidation exists in remote districts, the proposal is that the Act should be put in force, but that, seeing that this is merely executive action, Parliament should not be called together from time to time to pronounce an opinion upon it. In Clause 6, which deals with a special Proclamation, we give the House full control over those proceedings. As to the manner in which the powers contained in this Bill will be exercised without the safeguard the hon. Member proposes, I would point out that it is not at all likely that any Government will run the risk of incurring a Vote of Censure by acting against the general feelings of Parliament. Though Parliament might not be in a position to exercise immediate control over the action of the Government, it will always, when it meets again, have it in its power to pass a Vote of Censure; and that fact, I take it, is not likely to be lost sight of by the Government.

MR. CHANCE (Kilkenny, S.): The right hon. and learned Attorney General for Ireland has told us that a great distinction exists between the special Proclamation under Clause 6 of this Bill and the ordinary Proclamation under Section 5. It seems to me an unfortunate thing to debate, under Section 5, the precise provision of the Proclamation under Section 6 of this measure, and I presume I must attribute to that simple fact the remarkable circumstance that the right hon. and learned Gentleman did not proceed to show us what was the distinction between the two Proclamations. He left this entirely *in nubibus.* I shall wait with considerable curiosity to hear the points of difference between the ordinary Proclamation and the Proclamation under Section 6. He tells us that usually there is not an Autumn Session, and he points out that it would be an unusual thing to put this 4th section into operation in a district when Parliament is not sitting. Well, it seems to me that the whole of this Bill has been planned for the purpose of destroying associations; and yet the case of the Government is, that while they take power to punish certain species of crime without the control of Parliament, they are perfectly willing to give Parliament control over the matter of proclaiming dangerous associations under Section 6. That might have been an argument against the permanence of the first provisions of the Act; but the Government knew that they intended to make those first provisions part of the general law of the country, and, having made them part of the general law of the country, it seems to me that they should not deal with one class of case in a different manner to the way in which they treat another. I must demur to one expression of the right hon. and learned Gentleman. He told us that if certain districts were proclaimed during the Autumn Parliament, having been called together for the purpose of that Proclamation, after Parliament had been prorogued, or got rid of by some Constitutional method, there might be an outburst of crime, and that that was one of the peculiar ways with which the hon. Member for East Mayo (Mr. Dillon) had threatened the Government. Now, I do not desire to appeal to the Chair on a point of Order. I do not desire to appeal, and none of my hon. Friends desire to appeal, from this puny attempt at sarcasm on the part of the right hon. and learned Gentleman the Attorney General for Ireland, but we would desire him and his Friends—seeing that the time of the House up to Friday is supposed to be ours—to have the decency to rein his professional ardour to some extent, and not use phrases which the Chair, if they were brought under its notice, might visit with condemnation. If the right hon. and learned Gentleman means to convey that the bringing on of outbursts of crime in the districts of Ireland is part of the tactics of Gentlemen connected with the Party to which I belong, I must characterize such insinuation as mean and wretched to the last extreme. [*Laughter.*] Of course, it is a laughing matter—the right hon. Gentleman the Chief Secretary for Ireland laughs. I recollect hearing it said, about the time of his appointment to his present position, that his great qualification to the post of the Chief Secretaryship was that he despised the Irish people so. It does not seem to me at all extraordinary that he should sit there and amuse himself by sneering and jeering at everything that falls from this side of the House. It is precisely what we expect from him. It is said that the Amendment of the right hon. Gentleman the Member for East Wolverhampton (Mr. Henry H. Fowler) will give full control; but what would be full control under one section will not be full control under another section. It seems to me that the argument applies quite as much to Section 5 as to Section 6. I can see no real distinction, and I fail to make out why the Government should give control—though it may be an illusory one—under one section and should deny it under another.

MR. CLANCY (Dublin Co., N.): The right hon. and learned Gentleman the Attorney General for Ireland began his speech by a bold statement that the Government would not yield to threats from this quarter of the House. The Government are able to use language of that kind now that they are able to command the support of the Liberal Unionists; but there was a time—and it was not so very long ago—when not a threat, but a mere nod, on the part of the Irish Party was enough to make the Conservatives do anything at all. They changed their whole policy at a nod; they dropped the old Coercion Bill at a nod from the Irish Leader. Lord Salisbury went in for Home Rule at the nod or the beck of the Irish Party. I am sorry that we have again been treated to some talk about the so-called responsibility of the Irish Executive. That responsibility has again and again been shown to be the merest sham, and talk about it is only calculated to mislead and deceive. The difference between the Amendment accepted by the Government and that proposed by the hon. Member for East Mayo (Mr. Dillon) is this, that my hon. Friend's Amendment will insure a discussion in this House regarding alleged conspiracies, while the Amendment accepted by the Government will not do anything of the kind, and therein lies all the difference. If we are sure of having those questions discussed in the House when they arise, and according as they arise, then there would be some reason to think that there was something in the so-called responsibility of the Government; but when there is to be no certain opportunity of discussing those matters, it appears to me that this so-called responsibility is all fudge and humbug. The right hon. and learned Gentleman the Attorney General described the difficulties that would have to be encountered in summoning Parliament together to discuss these matters. I think, if the Tory Party have been praised for anything, and if the Liberal Unionists have been praised for anything during the last few days, it was for their self-sacrifice. We supposed that if at any time the Government should feel it necessary to call the Liberal Unionists and the Tory Party together, they would have a sufficient amount of this spirit of self-sacrifice remaining to induce them to meet together at Westminster without a murmur. So far as I can see, they have nothing else to do; they do not care, especially the Liberal Unionists, very much for facing the country except at packed ticket meetings, and at large Committee meetings here and there—in places such as Birmingham. Therefore, all the Government will have to do, if they are possessed by this spirit of self-sacrifice to such an extraordinary extent as we are told—all they will have to do will be to ask their followers and the Liberal Unionists to come here as often as is necessary. I am sure they will find no objection to this on the part of these hon. Gentlemen if they give out that the great *pièce de resistance* of the play is a fresh Coercion Bill, and a re-approval of the policy of the Government. In that way, they will be able to get the Liberal Unionists to come to the front and do their duty to the nation. The Amendment now before the Committee tests, better than any other which has been before proposed, whether there is anything at all in the so-called responsibility of the Government. If this Amendment is not carried, there can be no such thing as Governmental responsibility in these matters. The Government will prevent the discussion of—they certainly will not afford any occasion for discussing—any of their Acts in Ireland. The Amendment proposed would insure discussion upon those subjects. If it is rejected, I hope we shall hear no more about the great responsibility of the Government.

Mr. MAURICE HEALY (Cork): I do think there is something to be said in favour of this Amendment, and I am at last to understand the distinction which the right hon. and learned Gentleman the Attorney General for Ireland sees so plainly and clearly between the ordinary Proclamation of this section and the special Proclamation under Section 6; and I certainly do not admit that any of the reasons that would warrant the application of this particular provision to the Proclamation under Section 6 would not equally hold with regard to the application of the Proclamation under the present section. The Proclamation is practically a declaration that associations which exist in certain places are unlawful associations, and that the Lord Lieutenant thinks it right to take power to suppress such associations. For my part, I consider a Proclamation of that kind of thing in its nature not nearly so strong as a Proclamation by virtue of which the Lord Lieutenant can send to be tried under Section 2, before two Resident Magistrates, such of his political opponents as he can drag into a charge of conspiracy with any other charge dealt with in the section. It is a most startling departure from present practice—a much greater departure from Constitutional practice. When we make an analysis of the previous sections of the Bill, and find their political nature, the trial before two paid henchmen of the Government, two Resident Magistrates, it is a much greater departure from Constitutional practice than to suppress a particular form of association. Now, Sir, so much for the argument founded on the alleged distinction in principle between those two classes of population. As regards the argument founded on convenience, I apprehend that is an argument directed against the whole of the machinery of submitting Proclamations to Parliament, and which does not peculiarly apply to submitting the Proclamations under Section 4 to Parliament. If it is inconvenient, absurd, and unreasonable to ask that the Proclamations under Section 4 shall be submitted to Parliament, it is equally inconvenient, absurd, and unreasonsble to ask that the Proclamations under Section 6 shall be submitted to Parliament. Every one of the enormous inconveniences that follow from the one course will equally follow from the other. Therefore, Sir, I am at a loss to understand why the right hon. and learned Gentleman should use the argument of convenience. He says, Sir, that the Government might find it desirable to proclaim a small district or barony in Ireland, owing to the prevalence of crime and outrage, and that then they would have to call Parliament together to submit to it the Proclamation, and that, perhaps, the week after they had got Parliament to sanction the Proclamation, a state of things might arise in an adjoining barony which would necessitate the proclamation of that barony also; and, thereupon, they would have to call Parliament together again to ask permission to issue a second Proclamation. Every one of these considerations, as affecting special Proclamations under Section 6, can be equally applied to Proclamations under Section 4, because Section 6 and the following section, dealing with unlawful associations, do not provide, as former Acts did, for the suppression of one large association, and the issuing of one Proclamation of that body. On the contrary, and the right hon. Gentleman the Chief Secretary for Ireland drew attention to the fact in his speech in introducing the Bill, an association may be a perfectly lawful and legitimate association in one county and an unlawful association in an adjoining county. I quite admit that the whole of the machinery for calling Parliament together is most cumbersome and unworkable; but I think this objection only shows the straits to which the Government, in conducting the administration of the country by brute force, will be compelled to resort to. Now, Sir, it seems to me that what right hon. Gentlemen opposite are afraid of, is not the increasing necessity for calling Parliament together, but the supervision which Parliament, when so called together, will be compelled to exercise upon the doings of the Government in Ireland It is not the convenience of Parliament right hon. Gentlemen opposite are considering, but they are determined that the light of day shall not be thrown on their proceedings in Ireland; they are determined that they will have the country to themselves so far as the greater part of this Bill is concerned during the whole Parliamentary Recess, and that hon. Gentlemen sitting upon the Irish Benches shall not be permitted to submit their proceedings to any effective review in Parliament until events have lost all their actuality by the lapse of time which will be necessarily involved by waiting till Parliament is summoned together in the ordinary way. This is another instance in which we have, in moving our Amendments, founded ourselves upon the very words which the Government have made their own. This is not a proposition of ours; this is not an idea we have invented; it is a proposition which the Government have made themselves; it is one of the provisions which they have introduced in their own Bill. All we ask is that as they apply to it one case they should apply it to the other, especially when we show, as we have shown, that the position of the two cases is actually parallel. We say that this provision should apply in all cases, and that Parliament should be called together whenever the Government wish to suppress an unlawful association, whenever they wish to apply to any portion of Ireland any of the provisions of this infamous Bill.

Mr. DILLON (Mayo, E.): I suppose we may now go to a Division on this particular Amendment; but allow me to say that every single argument put forward by the right hon. and learned Attorney General for Ireland (Mr. Holmes) applies to Clause 6 just as well as to Clause 5. The right hon. and learned Gentleman argued on the supposition that the Proclamations under Clause 5 were of an ordinary character in Ireland, and that because there were precedents for them they were to be treated lightly. His argument was based also on the suggestion, equally monstrous and false, that the powers granted under Clause 6 are directed against crime, and do not interfere with liberty. That argument has been used all through this Bill. But there was no attempt on the part of the right hon. and learned Attorney General for Ireland to combat our contention. It is perfectly plain it is only for an Amendment to be proposed by an Irish Member to settle its fate. It seems that the Government have now come to the conclusion that, during the consideration of the rest of this Bill, no Amendment coming from these Benches is to be tolerated. The right hon. and learned Attorney General made use of what I consider a most uncalled for and disorderly observation. He accused me, in the first place, of threatening the Government. He may call it a threat if he likes. I stated what I am perfectly ready to state again and maintain, that so long as we are in this House, and so long as we are not treated as the Representatives of other portions of the United Kingdom are treated, so long as we are driven to various shifts and devices to endeavour to force in the attention of Parliament the views of our constituents we shall resort to peculiar methods—they are methods forced upon us—and we shall practice them until we are treated in the same way in which other Members coming from other parts of the United Kingdom are treated in this House. It is nonsense for anyone to say that Irish Members occupy the same position in this House as Members from other parts of the United Kingdom. It was monstrous, and most unadvisable, for the right hon. and learned Attorney General for Ireland to say, in the course of his speech, that during the long vacation there may be outbursts of crime in a neighbouring barony, which I suppose we may call the "peculiar methods the hon. Gentleman alluded to." I say this was a disorderly, and insolent, and indecent observation. I spoke of Parliamentary methods which may be inconvenient and unpleasant to Members of this House and to the Government, but which are perfectly legitimate, and which we intend to pursue. For the right hon. and learned Attorney General to say that an outburst of crime in Ireland was part of the peculiar methods to which we resorted was an indecent observation to be made by any Member of this House.

The CHAIRMAN: Before we proceed to a Division, I may say, concerning the observations of the hon. Member for East Mayo (Mr. Dillon), in regard to threats, I am not aware that it is un-Parliamentary to threaten the Government. As to the second point raised by the hon. Gentleman, I may say I did not understand the right hon. and learned Attorney General for Ireland to accuse the hon. Member personally of being guilty of resorting to peculiar methods.

MR. DILLON: I do not want to prolong the discussion; but I may remind you, Sir, that the right hon. and learned Gentleman distinctly said—"I suppose we may take that as one of the peculiar methods mentioned by the hon. Gentleman."

MR. HOLMES: I should be very sorry if any remarks of mine caused the hon. Gentleman any pain, and I withdraw in the fullest manner any expression which may have caused him any annoyance.

MR. T. M. HEALY (Longford, N.): Will the right hon. and learned Gentleman withdraw also the cheers on his own side of the House?

Question put.

The Committee *divided*:—Ayes 137; Noes 234: Majority 97.—(Div. List, No. 228.) [10.45 P.M.]

MR. MOLLOY (King's Co., Birr): I now propose to add at the end of the section these words—

> "A Return, showing the number and extent of the districts so proclaimed, and the time of such Proclamations shall be made to Parliament once in every three months."

The Amendment amounts to this—certain Proclamations will be made under this Clause, and I think it is advisable that they should be known to this House. In the case of crimes committed in Ireland, there are Returns made every three months. Also with regard to evictions, there is a Return issued once every three months. My Amendment is that a Return shall be made to Parliament once every three months, which shall give the name and extent of the district which has been proclaimed, and the duration of the Proclamation. I have followed here exactly the rule which is observed with regard to evictions, and with regard to crimes. The only point, as it seems to me, which might be made in answer to my Amendment is that the Proclamations will appear in *The Dublin Gazette*. But Members of this House do not see *The Dublin Gazette*, and, so far as the knowledge of this House goes, *The Dublin Gazette* might not exist at all. I trust the Government will see their way to accept what I cannot but regard as a very moderate proposal.

Amendment proposed,

> At end of Clause, to add the words—"A Return, showing the number and extent of districts so proclaimed, and the time of such Proclamations shall be made to Parliament once in every three months."—(*Mr. Molloy.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The cases which the hon. Gentleman (Mr. Molloy) has brought forward do not seem to me to be at all analogous. In the matter of evictions there is no record except for the purpose of this House, and the same may be said with regard to crimes committed throughout Ireland. When we were discussing the first section it was suggested that a Return should be made of the preliminary inquiries, and the Government consented to such a Return being presented to Parliament; but, as regards the Proclamation of districts, we have made provision in this Bill that the publicity shall be most formal—we have provided that the entire Proclamation must be published in *The Dublin Gazette*. The hon. Member says that *The Dublin Gazette* is not much seen; it is very true many persons may not read *The Dublin Gazette;* but it is supplied in the Library of this House, and may be consulted by any hon. Gentleman who is interested. If at any time hon. Gentlemen require further information than that afforded in *The Dublin Gazette*, they have only to move for a Return, and if the House orders the Return the order will be obeyed.

MR. EDWARD HARRINGTON (Kerry, W.): I think it is very strange that the Government should keep from the knowledge of this House information of what is going on in Ireland, and at the same time persist that this Parliament is the Parliament of Ireland. The right hon. and learned Attorney General for Ireland has spoken of baronial Proclamations; but if we had a Parliament in Ireland it would exist for the purpose of discussing all baronial and even parochial questions. You refuse us a Parliament of our own, and yet you will not bring within the cognizance of Parliament your methods of governing Ireland. The right hon. and learned Gentleman the Attorney General for Ireland says that *The Dublin Gazette* is taken in this House. I have been here something like 18 months, and it was by the merest fluke I found out the other day that *The Dublin Gazette* was taken in the Library. I had already inquired of 50 or 60 Gentlemen what was the best method of obtaining information, which I subsequently got in *The Dublin Gazette.* But it is not the point that *The Dublin Gazette* is taken in the Library, even if *The Dublin Gazette* came here as regularly as *The Times.* The point is this—Will you, when you take, as we maintain, exceptional methods of governing Ireland, give in the papers which come into the hands of hon. Members of this House information from day to day which will enable them to judge of what is taking place? I really believe that the Amendment which has been proposed is an Amendment to which no answer can be given except that stolid refusal the Government have persisted in giving to all Amendments from these Benches.

MR. MAURICE HEALY (Cork): It is quite evident the right hon. and learned Gentleman the Attorney General for Ireland entertains a very different opinion of *The Dublin Gazette* to many other people. I do not know whether he has ever heard what Chief Justice Morris said about *The Dublin Gazette.* As a matter of fact, Chief Justice Morris once said while sitting on the Bench that he had never seen a copy of that publication. That learned Judge frequently boasts that he is the oldest Judicial Officer in Ireland or England, that he has been sitting on the Bench longer than any other Judge in the United Kingdom. If he has not seen a copy of *The Dublin Gazette,* we may judge of what value that publication is, and the amount of publicity which will be given to these Proclamations. But it is not a question of whether or not *The Dublin Gazette* is largely circulated; it really does not matter a fig whether it is or not. If instead of publishing these Proclamations in *The Dublin Gazette* the Government published them in *The Times* or in *The Freeman's Journal,* there would, at the same time, be a strong argument for proposing that there should be a periodical Return of the Proclamations made to Parliament. It is one thing to read casually at your breakfast when you get your paper that the Lord Lieutenant has issued such and such a Proclamation; but it is a very different thing to be able to have before you in a nutshell the action of the Government for three months or six months. Everybody knows that the mere fact that you read of these occurrences leaves no distinct idea in the mind as to the number and language of these Proclamations, and that if any accurate idea on the subject is to be brought home to Members of Parliament, or brought home to the public, information must be presented to them, not in pieces, but in a Return showing what has happened in three, six, or 12 months, as the case may be. Now, the Government admitted the principle of this Amendment on the 1st section of the Bill; they admitted that, in the case of secret inquiries, such a Return as this is desirable; they further admitted the principle that Parliament has some right of supervision over these Proclamations, for they have provided that a copy of every Proclamation should be laid on the Table of Parliament, and that the Proclamation shall not come into force if Parliament adopts an Address against it. That being so, unless the Government wish to save to the country the cost of printing and stationery involved in issuing this Return, I cannot imagine any reason for refusing this Amendment, save, indeed, that the Government desire that the manner of their government in Ireland should not be exposed, as it would be undoubtedly if hon. Members had presented to them periodically a Return showing exactly how matters stand with respect to Proclamations.

Mr. CHANCE (Kilkenny, S.): I should like to point out that there is no provision in this Bill which would compel the Government to insert in *The Dublin Gazette* any Proclamation made by the Lord Lieutenant. I should like to hear whether, in the opinion of the Law Officers of the Crown, any Proclamation by the Lord Lieutenant of Ireland would be invalid unless it appeared in *The Dublin Gazette.* It is perfectly open to the Lord Lieutenant of Ireland to issue a Proclamation, and to publish that Proclamation in any other manner than by insertion in *The Dublin Gazette,* there will be no necessity whatever for any one Proclamation to appear in *The Dublin Gazette.* Under these circumstances, it would be impossible for *The Dublin Gazette* to contain a perfectly safe and trustworthy record of the Proclamations of districts. I also desire to point out, in addition, that Proclamations will be from time to time altered and varied. One provision of a Proclamation may be revoked while the rest may be allowed to stand; and in this state of things ordinary Members of the House of Commons will get into a muddle as to the precise condition of the Proclamations. What is proposed by this Amendment is that a simple Return, a page or two long, shall be laid before the House once every three months. I think that is a distinctly reasonable proposal, and it is very stubborn of the Government to refuse this Amendment, which cannot be said to affect the principle of the Bill. I am surprised that on a small point of this kind the Government have not seen their way to graciously yield to our wishes.

Question put.

The Committee *divided:*—Ayes 153; Noes 260: Majority 107.—(Div. List, No. 229.) [11.15 p.m.]

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): I now beg to move to add, at the end of the clause, the following provision:—

"When any of the provisions of section two of this Act, relating to summary jurisdiction, are declared by Proclamation to be in force in a district, such provisions shall apply to offences committed in the district after the passing of this Act, whether before or after the date of the Proclamation. When the provisions of section three or section four of this Act, relating to special juries or change of place of trial, are declared by Proclamation to be in force in a district, such provisions shall apply to crimes committed in the district before or after the passing of this Act."

Mr. CHANCE (Kilkenny, S.): Mr. Courtney, I rise to Order. Allow me to call your attention to the fact that by this Amendment the provisions of Section 2 of the Bill will be made to apply to offences committed before the Proclamation of the district in which offences have been committed. Section 2 commences—"Any person who shall commit any of the following offences in a proclaimed district." Now, the Committee having already confined the summary jurisdiction of the provision to offences committed in a proclaimed district, I submit this Amendment is not in Order, because it would extend the provisions of Section 2 to offences committed in a district before that district had been proclaimed.

The CHAIRMAN: The question was raised to Section 2, and an Amendment moved by the hon. Member for the City of Cork (Mr. Maurice Healy), to insert, after the word "shall," the words "after the passing of this Act," was negatived. The Committee, at that time, therefore, refused to except offences committed before the passing of the Act.

Mr. MAURICE HEALY (Cork): Mr. Courtney, my Amendment was negatived because the Government declared the words to be superfluous on account of the previous word "shall" in the clause.

Mr. CHANCE: The second paragraph of this Amendment makes Sections 3 and 4 of this Bill retrospective, although Sections 3 and 4 refer to indictments for crimes committed in a proclaimed district. I think, Sir, I am correct in stating that there was not on Sections 3 and 4 any Amendment moved of the nature to which you refer as regards Section 2 of the Act.

Mr. HOLMES: Perhaps I may explain that this is a matter which has been repeatedly brought before the notice of the Committee, as the hon. Member himself will see.

Mr. CHANCE: I have risen to a point of Order. Is the right hon. and learned Gentleman the Attorney General desirous of raising one, too?

Mr. HOLMES: I would just call attention to what actually occurred. This question was brought forward on the 1st sub-section of the 1st clause of the Bill; and we on this side contended that whether the offence had been committed in a proclaimed district before or after the passing of the Act that section would apply to it. In the course of the discussion it was suggested that the Government, at all events, ought to make the matter clear, and a pledge was given by us that it should be made clear. Accordingly, my hon. and learned Friend the Attorney General for England (Sir Richard Webster) moved, on the 1st clause of this Bill, a Proviso very similar to the Proviso which I am moving now, except that it was adapted to the peculiar circumstances of that clause. At the beginning of the 2nd clause the question arose whether it should be made retrospective or not; and it was objected that the clause should not be made to apply to offences committed before the issue of the Proclamation. The question was raised again upon the 4th clause, and a Division took place upon it; and we say that the principle has been abundantly accepted that it is to apply to offences whether committed before or after the issue of the Proclamation. We are now engaged in simply carrying out the pledge which we gave when the matter was under discussion upon the 1st clause, and which has been already carried out in part We propose that the clause shall only apply to offences committed within the district after the passing of the Act; but whether before or after the issue of the Proclamation. What we are now doing is simply to carry out what we stated in the first instance we would do, and which was done upon the 1st clause.

Amendment proposed,

In page 4, line 41, at end of Clause, to add the words—"When any of the provision of section two of this Act, relating to summary jurisdiction, are declared by Proclamation to be in force in a district, such provision shall apply to offences committed in the district after the passing of this Act whether before or after the date of Proclamation.

"When the provisions of section three or section four of this Act, relating to special juries or change of place of trial, are declared by Proclamation to be in force in a district, such provisions shall apply to crimes committed in the district before or after the pasing of this Act."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there added."

MR. T. M. HEALY (Longford, N.): The view I take of this Amendment is that it is a distinct breach of faith on the part of the Government. I am sure the right hon. Gentleman the Chief Secretary to the Lord Lieutenant (Mr. A. J. Balfour) cannot be so very hard-pressed that he needs to sneer at that—so very brilliant a person as he promises to be. Perhaps he will give us some argument instead of that kind of sneer. I can assure the right hon. Gentleman that what he does not know about this Bill and about Ireland would fill a very large library, and therefore a little modesty on his part would be more becoming. Now, Sir, I say that this proposal is a distinct breach of faith on the part of the Government, made mainly for the purpose of filling up time between this and next Friday, and for the purpose of preventing debate. Why do the Government make the proposal? Because, they say, a distinct pledge was given by them that they would remedy what they recognized as a defect in the Bill when it was pointed out to them by the Liberal Unionists. They made the alteration in the 1st clause, but there was no thought that it was to be repeated subsequently, and it was done then in what they call the fulfilment of a pledge. How anxious they are to fulfil their pledges! If Her Majesty's Government are so very anxious to fulfil their pledges, why does not the right hon. Gentleman the Chief Secretary for Ireland fulfil the pledge which he gave, and put down the Amendment which he promised in reference to the question of appeal, unless, indeed, he has been intimidated out of it by the hon. Member for West Ham (Mr. Fulton), or some other Metropolitan Member? That is our point, that this pledge was given to the right hon. Member for Bury (Sir Henry James), and was not a pledge given in any sense to the House. Under cover of that specific pledge, the Government are now inventing a whole series of additional crimes. That was done from their point of view on the 1st clause, and I say that in spite of the somewhat incoherent noises made by the right hon. Gentleman the Home Secretary (Mr. Matthews)——

THE CHAIRMAN: Order, order! The remarks of the hon. and learned Gentleman must be confined to the matter of the Amendment.

MR. T. M. HEALY: I can only say that the incoherent noises which have been made will not deter me from continuing my argument. Now, Sir, I say that Her Majesty's Government on the 1st clause declared that it should be retrospective on the principle that it was a fair thing that the crimes under that clause should be inquired into at any time, because that clause dealt not only with trivial, but with serious crimes, such as the crime of murder and other serious outrages. But now what is proposed is this, that if, after the passing of this Act, some crime such as that of so-called Boycotting were committed, then, seven years afterwards, if on some other ground, *quo ad*, a particular murder in a district, that district is proclaimed, then Her Majesty's Government should, by the elasticity of these provisions, be able to make this section relate back to that previous antecedent date, and be able to punish that offence of Boycotting under this Bill. If that be the view of the right hon. Gentleman the Attorney General for Ireland, would it not be reasonable to put in some limit of time within which the Proclamation might have that retrospective effect? Supposing a crime were committed on the 1st of January, and you should issue your Proclamation on the 31st of December following, would it be a reasonable thing that for 12 months the man who committed it should rest under the supposition that he was not to be punished? Perhaps his witnesses might have disappeared and gone to America, and a year after, through the present tide of emigration from Ireland, everybody connected with the offence had disappeared. Her Majesty's Government might issue a Proclamation, and under it they might have this particular man arrested, having got his witnesses out of the way under the free emigration which so largely prevails now. I would respectfully say that that would be a most unfair thing to the individual. The very least we can claim on an Amendment of this description from Her Majesty's Government is this—that they should fix some particular time. They should put in some particular moment when the Proclamation should have effect; and if the Proclamation be not issued within that time, then the so-called crime should be supposed to be done with so far as the power of the Proclamation is concerned—the Proclamation, in short, should be considered to have spent its force. It is an almost unimaginable state of things that if you issue a Proclamation five years hence, and this Bill should be passed into law on the 1st of August next, that then, five years afterwards, after all the witnesses have left the district, you should turn round upon the venomous action of some policeman who remembered some piece of Boycotting in the district, and should be able to prove that crime. That would be a most extraordinary proceeding, and would re-act upon many Members of the Orange Party when a Home Rule Government came into power, because you will have a proclaimed district, and though, while a Tory Government is in Office, they would not punish Orangemen's crimes, yet there will be those who will be taking notes and collecting evidence for the coming time, and they will issue a series of summonses under that Proclamation when the proper time comes. Now, I am not in favour of anything of the sort being done. It is most undesirable to have punishments of that kind; but if you proceed in such a way as to invite reprisals or retaliation, that will be the effect. Now, I would ask the Government—they say their Bill is so crystalline that it cannot be made any clearer—but I would ask them not to put in this Amendment, against their own better judgment, simply to please the Liberal Unionist Party who never attend these debates, who do not know anything of the Bill or of its provisions, and who probably have forgotten all its clauses and all the pledges made about them. I would respectfully ask the Government not to do this—not to waste the time of the House in this manner. At any rate, if we are to have this particular Amendment, it should be inserted with the modification which I have suggested—that some particular date should be fixed in it. If the Proclamation is issued on the 1st of August, then let the Amendment refer no further back than to crimes committed within the preceding month. Do not let us go back to some pre-Adamite period when everybody connected with the offence and with the district will have forgotten all about it, except some police sergeant who has taken a note, or some secretary of some proclaimed Land League who will have been waiting for a prosecution on some future day.

MR. CHANCE (Kilkenny, S.): This Amendment has been held to be regular, and the case of the Government is that the words of the clause may apply in a district that is not proclaimed, but which may be proclaimed. If that be so, the Amendment is absolutely unnecessary and insensible; and our position is that, having limited ourselves to four Parliamentary days for the discussion of Amendments to this Bill, the Government themselves propose Amendments which are only regular on the supposition that they are entirely unnecessary and worthless.

MR. M. J. KENNY (Tyrone, Mid): I have risen for the purpose of moving an Amendment to the Amendment of the right hon. and learned Attorney General for Ireland; but, in the first place, I would like to say that the Government have certainly made their meaning perfectly clear on this question, but in a contrary sense to that which they originally intended. We expected that the principle of *ex post facto* legislation—for that is what this really amounts to—would not be adopted by the Government, because it assumes an operation of the law which may be held in suspense at the wish of the Government over all the country. This is, practically, a system of *ex post facto* legislation; and, therefore, I object *in toto* to the Amendment of the right hon. and learned Attorney General. But, Sir, if it is strange that the interpretation of the words already in the Bill would simply amount to or ensure that offences committed in any district or part of Ireland not already proclaimed shall be punishable, surely on the other hand there is no necessity for the insertion of these words? These words are of an extremely sweeping character, and they are also, to my mind, of an extremely prejudiced character, for they are intended for the purpose of ensuring the conviction of all persons who may be accused to the present Government, or who may have been accused within the past year or so of offences in Ireland. Now, Sir, the 2nd clause of the Bill is extremely long. It includes a great number of offences given under a variety of sub-heads, and my proposal would be to exclude from the Amendment of the right hon. and learned Attorney General the first subsection, which provides for the prosecution before a Court of Summary Jurisdiction of any person who shall take part in any criminal conspiracy to compel or induce any person either not to fulfil his or their legal obligations or to interfere with the administration of the law.

THE CHAIRMAN: It would be clearly out of Order to make that exception here, for that has already been decided upon.

MR. T. M. HEALY (Longford, N.): Is it in Order to propose the affirmative of a thing, and not to propose the negative of it? If my hon. Friend is out of Order in moving to omit a certain section, is the right hon. and learned Gentleman the Attorney General in Order in moving the insertion of it? If the right hon. and learned Attorney General is in Order, I submit that my hon. Friend is also in Order.

THE CHAIRMAN: It is put in far greater caution to avoid misconception.

MR. T. M. HEALY: Then might not my hon. Friend, out of the abundance of his caution, move the omission of the same thing?

THE CHAIRMAN: Not if it contradicted what has already been done.

MR. DILLON (Mayo, E.): I should think the right hon. and learned Attorney General for Ireland would not resist this Amendment which I have to propose. The grammar of the first part of his Amendment is false. What I propose to do is to omit the word "provision," in line 3 in order to insert the word "provisions."

MR. HOLMES: I accept that Amendment.

Amendment *agreed to.*

MR. DILLON: I now move the omission of the words "after the passing of this Act, whether before or." Then the first paragraph will read as follows:—

"When any of the provisions of Section 2 of this Act, relating to summary jurisdiction, are declared by Proclamation to be in force in a district, such provisions shall apply to offences committed in the district after the date of the Proclamation."

THE CHAIRMAN: That is a point which has already been ruled to be inadmissible, having already been decided on a previous clause.

MR. DILLON: I just want to be clear on this. Either there is doubt as to the meaning of Clauses 2, 3, and 4 in this respect, or there is none. If there is doubt, this is to define the meaning. If the Government are entitled to define it one way, surely we are entitled to attempt to define it another. I would also like to take your judgment, Sir. as to the next paragraph of this Amendment, because you will notice that bad as the first paragraph is, the second paragraph is infinitely worse. In the first paragraph the right hon. and learned Attorney General only provides that the action shall be retrospective to the date of the passing of the Act, but the second paragraph of the Amendment provides that Clauses 3 and 4, which are equally objectionable and tyrannical with Clause 2, shall be retrospective to an unlimited extent. Now, Sir, that is a provision to which we naturally have the very deepest objection.

MR. MAURICE HEALY (Cork): I have an Amendment to move to the first paragraph, to add after the word "Proclamation" in line 4, the words "provided it be so expressly provided in the Proclamation." I presume there will be no objection to that Amendment. If that be accepted I will also propose to add several words at the end of the paragraph. I think it is not unreasonable to ask that if the Government really intend that their Proclamation shall have a retrospective effect, they should say so on the face of it. It is bad enough for it to be retrospective under any circumstances, but if that is to be so, it should be expressly set forth on the face of the document itself. I do not know what line the Government will assume towards this Amendment, but I think it will be hard to show that there is anything unreasonable in it, having regard to the construction—the peculiar construction — which the Government have given to preceding sections—and to their expressed intention that a district should be proclaimed after a crime has been committed. The principle of the Amendment of the right hon. and learned Attorney General cannot be further questioned as it has been sanctioned, but, at any rate, that principle need not be carried to a needless extent. And though that principle of making the Proclamation retrospective in certain cases where necessary may be sanctioned, it should only be retrospective by virtue of an express statement. I beg to move that Amendment.

THE CHAIRMAN: The same objection applies to the addition of these words that I have already made with regard to the alteration that I have already dealt with.

MR. T. M. HEALY (Longford, N.): I have an Amendment to provide that the offence must have been committed within some date previous to the issue of the Proclamation, and I would propose that it should be within one month. I would move the insertion of these words:—"Provided that such offence should have been committed within one month prior to the date of such Proclamation." It is only reasonable to ask that they should issue their Proclamation at once after the offence, and that the people should have notice of the intention of the Government to deal with such offences, and that the all-seeing eye of Her Majesty's Government is upon their iniquity. It is reasonable to provide that they should not be allowed to run on in their ignorance without some warning from Her Majesty's Government—that there should be something like a Statute of Limitations. That is only reasonable in such matters, if anything that comes from these Benches is reasonable. I move that Amendment.

Amendment proposed,

After line 4, to insert the words "Provided that such offence has been committed within one month from the date of Proclamation."—(*Mr. T. M. Healy.*)

Question proposed, "That those words be there inserted."

MR. HOLMES (who was very indistinctly heard) was understood to say that the point had already been discussed and decided, so far as its principle was concerned.

MR. T. M. HEALY: The right hon. and learned Attorney General for Ireland does not suppose that he has said one word by way of meeting my argument. He has said that this was previously fully discussed; but it was not. My proposition is that the Lord Lieutenant should not have a right in December to issue a Proclamation that should reach back for two years. That is a most reasonable thing. The right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour) has recommended this measure on the ground that it is a moderate Bill, which only refers to proclaimed districts. But what is the good of such an argument if the Lord Lieutenant, by a mere scratch of his pen—if by the mere autograph of the Lord Lieutenant—he can apply the Bill to the whole of Ireland, and make it absolutely operative at any time? For that reason we bring in a proposal to mitigate that, by proposing that if you do proclaim, your Proclamation shall only go back to some particular crime. How is that met? Simply by stating that it was debated before. If it was debated before it was decided before, and if decided before it is necessary, because it must be in relation to something which is already an active principle in the Bill. It is, therefore, necessary to introduce this provision, for nothing could be more calculated to promote harmony in the attitude of Her Majesty's Government. The clause brings in and negatives the action the right hon. Gentleman the Chief Secretary for Ireland has been commenting upon from the commencement. He says the proposal is limited, and very properly, to proclaimed districts, when I say that the whole thing dates back to the very passing of the Act. You should be obliged to proclaim a district from the commencement. Do not get up in the middle of the night and induce the Lord Lieutenant to put his signature to some Proclamation bringing the whole of Ireland under the operation of the Bill from the very date of his sign manual. That is an absurdity, and I submit that that contention ought to be met in some other way by Her Majesty's Government. Either the right hon. Gentleman the Chief Secretary's argument at the commencement of the proceedings on this Bill was good, or it was bad. If it were bad, there is a complete negative to the proposal. I am surprised that the right hon. Gentleman the Chief Secretary should have made this proposal in the spirit in which he has made it. If one month does not suit him will two months satisfy him? If one year does not suit him will two years? This is a Bill for perpetuity. The day after the passing of this Bill a summons may be issued in order to put you into gaol for six months. Was anything more absurd? You say that the whole of Ireland does not require this Act. That is your point. But because some policeman has something against a man in his note-book he is to have the immediate power of summoning that man. I think the Government ought to proclaim the whole of Ireland at once. If you can proclaim a district seven years hence, and apply summary jurisdiction powers when all the witnesses have disappeared, and the memory of man has been dimmed to a large extent as to the transactions which were the subject of the legal proceedings, you are bringing about a mere travesty of justice. Crime, if punished at all, should be punished immediately. The least we can ask of the Government is that where crimes are committed they should bring them within the region of punishment, somewhere or other, without delay.

MR. HOLMES: I would point out that under the summary jurisdiction powers of this Bill persons cannot be prosecuted for offences committed more than six months before the trial of the offence.

MR. MAURICE HEALY (Cork): I am surprised that there should be a controversy on a question of fact as to what happened at a previous stage of these debates; but I was obliged to take the direct issue from the right hon. and learned Gentleman the Attorney General for Ireland on this matter, that it had been properly discussed at a previous stage. The first paragraph of the right hon. and learned Gentleman's Amendment is this—whether, when summary jurisdiction is declared by Proclamation to be in force in a district, it really applies to offences committed in the district after the passing of the Act, whether before or after the date of the Proclamation; the question is, is the Proclamation to be retrospective—not is it to be absolutely retrospective, but is it to be retrospective as regards the period between the passing of the Act and the issue of the Proclamation? I contest the assertion that this matter has ever been discussed in any shape or form before. I can tell the right hon. and learned Gentleman what happened. I moved that in the 2nd clause of the Bill, after the word "shall," the words "after the passing of this Act" should be added; and I did so on the ground that the word "shall" meant here the passing of the Act, that there could be no harm in making the meaning clearer.

The right hon. Gentleman the Chief Secretary got up then and told me that my Amendment did not do anything, and did not make anything clearer; and, therefore, the Government could not assent to it. Thereupon the right hon. Gentleman sat down, and, if my recollection serves me rightly, it was because the right hon. Gentleman gave us such a sharp answer, and did not even condescend to discuss the matter, that an hon. Friend of mine on this side of the House immediately moved to report Progress, as an expression of dissatisfaction with the manner in which the right hon. Gentleman had treated us. On no previous occasion has the point touched by this Amendment been raised. The only reply which the right hon. Gentleman has ventured to give to this Amendment on the merits of it, is that an offence to which the 2nd clause of the Bill applies could not be prosecuted more than six months after the issue of the Proclamation, after the passing of this Bill. I can tell the right hon. and learned Attorney General for Ireland that the matter is not at all so clear as he thinks. No doubt the general law as to the summary trial of offences is that a case should be proceeded with within six months; but if he will take up a subsequent clause of the Bill he will see that the point is not so clear as he thinks. I think that the period of six months is a most extravagant period, considered as the period of limitation for the 2nd clause of this Bill. It is to be suggested that where an offence is to be committed —an offence of the character that will warrant the Proclamation of the district —that, with a provision of this kind staring you in the face, the Government would deliberately wait six months, and then proclaim the district when all recollection of the matter, in respect of which it was proclaimed, has passed away. I intend at a later stage to move that the period of limitation may be reduced to two months; and, if an Amendment of this kind is accepted, plainly there will be some force in the last argument of the right hon. and learned Gentleman. As long as the clause stands in its present form there is a doubt in the matter. I think, therefore, that the Amendment should be accepted.

Mr. T. C. HARRINGTON (Dublin, Harbour): I think we have a claim

upon the other side in this matter. We stand here in the position of condemned criminals. [*Cries of* "Hear, hear!"] Yes, in the position of condemned criminals, and you are the judge, the jury, and the hangman.

The CHAIRMAN: The hon. Member will please address the Chair.

Mr. T. C. HARRINGTON: I am afraid that my remarks are rather strong, Sir, to address to the Chair. I think, as I was saying, we have a right to appeal to the House. Notwithstanding the short period the Government have allotted to us for our repentance and the making up of our affairs, the Government very irreverently break in upon us by shouting "Divide, divide!" I think we have not decided—as the right hon. and learned Gentleman the Attorney General for Ireland has tried to lead the Committee to consider that we have decided—I think we have not decided yet this period of six months with regard to summary jurisdiction, because if we had so decided the matter we should not have been discussing the point now. What we have to decide at this moment is, whether the Government wish to put down crime in Ireland or not. They say they do; then I grant you that you wish to do so. Do you wish to do so promptly, or to allow an inordinate time to elapse after the issue of the Proclamation? I think that is a very simple issue, and I think that if hon. Gentlemen will apply themselves to matters before them, they will nearly all be on our side in this matter. Once in a while I think it would be a great deal if they could say—"You see we are not such bad fellows after all." The Lord Lieutenant is to receive power to proclaim a district for the purpose of summary jurisdiction. We ask that, after that Proclamation is issued, steps should be taken to try the cases which have been the cause of this Proclamation. We wish to insert the limit of a month in the Amendment, believing that this will leave sufficient time for all the purposes of the prosecution of the crime; but if the Government think that any limit between six months and a month is reasonable, they should point it out. The right hon. and learned Gentleman the Attorney General has deceived the House by stating that it is decided that these matters should be prosecuted within six months of the issue of the

Proclamation. We are making a new Criminal Law—we have not yet decided the point of time. When we come to the question we shall have the privilege of voting on it. It is quite possible that the six months may not be accepted. If the right hon. and learned Gentleman says that one month is not sufficient, then we will make a compromise, and say two months; but I think it is a very bad comment upon one's apparent anxiety for the passing of the Crimes Act, and on the statement of anyone who says there is a great need for it, to say that you are afraid to limit yourselves to a month or two months after the issuing of the Proclamation for the prosecution of the offence. If the Government have the same desire that they say they have to prosecute offences summarily, they would not throw any objection in the way of grappling with those offences at once.

MR. T. M. HEALY (Longford, N.): The sub-section that we have here is a most vague and general one, and might be supposed to be dealing entirely with procedure. I would propose that a limitation should be accepted to this effect—"Subject to the provisions of the section of the Petty Sessions (Ireland) Act, 1851." I leave the section blank, because for the moment I do not remember which it is. I would ask leave to withdraw my previous Amendment, in order that the Government may accept this limitation to that point.

MR. HOLMES: I do not think there will be any objection to that, if it were found necessary; but we shall see later on how that is. When we come to the Report stage we shall be able to decide whether or not it would be advisable to adopt the precedent of the Act of 1851 to meet the difficulty.

MR. MAURICE HEALY (Cork:) The right hon. and learned Gentleman promised me that he would point out the distinction between this case and other cases to which he referred where offences had been rendered punishable by summary conviction—cases in which offences were rendered summary offences for all purposes. We asked the Government to give a summary punishment for offences which were indictable offences. They refused to do so. I moved an Amendment to the effect that if the Government would treat these offences as summary offences they should be summary offences for all purposes; but, as I say, they declined to accept it.

Amendment, by leave, *withdrawn.*

MR. DILLON (Mayo, E.): The Amendment I propose to the proposed Amendment is as follows:—To leave out the last line of this Amendment the words "before or after the passing of this Act," in order to insert "after the date of such Proclamation." You will notice that the second paragraph of the right hon. and learned Gentleman's Amendment relates to Section 3 or Section 4 of this Act which deals with special juries, or change of place of trial, just as the first paragraph refers to Section 2 of the Act relating to summary jurisdiction. The second paragraph set forth that when the Proclamation has been issued, declaring that Section 3 or Section 4 is in force, those sections shall apply to crimes committed in the district before or after the passing of the Act. The first paragraph is only retrospective after the passing of the Act; but it will be observed that so far as Section 3 and Section 4 are concerned, according to the second paragraph of the Amendment, the provision is retrospective indefinitely. I maintain that this is a most monstrous proposition. The Government, in order to make out any ground whatever for such a time as that, ought to have placed before us a large mass of undiscovered and unpunished crime in Ireland. But they have done nothing of the kind. I contend that as they have failed to lay before the Committee details of any large amount of undiscovered and unpunished crime in Ireland, as with the system of packing juries they might have been supposed to have been able to deal with, we are, at least, entitled to require that they should not make such a proposal as this indefinitely retrospective. This I conceive to be a most important Amendment which I propose; and it is one which we think natural and reasonable that the House should accept, and it is one which we shall make a great struggle to get the Committee to adopt. If you turn back to Clauses 3 and 4, that were debated at considerable length by the Committee, you will see that a most tremendous machinery has been given for the changing of venue and the packing of the jury. But those are not all the powers the Government take to deprive a prisoner of his chance of fair play, for in Clause 15—as I suppose by the Resolution the Committee is coming to at the termination of these proceedings we shall be deprived of the opportunity of discussing—the Lord Lieutenant is to have, in future, power to make rules, by the advice of the Privy Council, for an immense number of matters dealing with the conduct of the criminal trials in Ireland which come under the provisions of this Act. I am not lawyer enough to understand how far the chance of the prisoner is interfered with by the vast number of these provisions that seem to hand over the whole procedure of the Criminal Law in Ireland into the hands of the Lord Lieutenant. The Lord Lieutenant is not only empowered to deal with indictments, writs, processes, and so forth, including a great many matters that I do not understand, but he is also entitled to make rules, in cases where special juries are required, as to the number of jurors that are to be required on every panel. That is to complete the machinery when a jury is to be packed—where the panel is, perhaps, no more than 200 or 300, and the whole of the special jurors of the district are brought in. That being so, seeing that this tremendous machinery is being adopted, is it not reasonable to ask that if the Government want the machinery to be retrospective they should tell us what class of cases they mean to apply it to? If this Committee would act with even a show of decency, if they will not accept this Amendment, I think they should insist on the Government stating fairly and honestly who are the men, and, if they cannot say that, at any rate what are the offences they have in their mind when they ask for this retrospective power. The Government ought to have in their minds—and I am certain they have—a perfectly clear idea of the particular offences they wish to have this retrospective power for. They have not stated to the Committee what these offences are and what their demand has reference to. We are entitled to insist upon hearing from the Government a frank and full statement of what class of cases this retrospective machinery is to be applied to before this provision is to be allowed to pass. It must be manifest to every Member of the Committee that it cannot have any effect in the way of repression of crime in Ireland, because in the course of the early debates on the second reading of this Bill, and previous to the second reading of this Bill, it was admitted by the Government that the condition of crime in Ireland, more especially undetected and unpunished crime, was not of an abnormal or very shocking character. If the Government are honest in their contention, and their object is to get at certain serious crime, like the murder of Murphy which took place near Killarney, and the murder of the Emergency man in the County of Clare, those crimes being committed in small restricted districts, they would not be put forward for the whole of Ireland as an excuse for this Act. But the fact is that a so-called criminal conspiracy, which embraces three-fourths of the people of Ireland, is under this measure to be left at the mercy of a packed jury, and condemned simply and solely because certain murders have been committed in a small portion of the County of Kerry and in a small portion of the County of Clare. I cannot but expect that considerable and prolonged debate will take place on this clause if the Government do not yield to the reasonable proposal of this Amendment.

Amendment proposed to the said proposed Amendment, in last line, to leave out the words "before or after the passing of this Act," in order to insert the words "after the date of such Proclamation."—(*Mr. Dillon.*)

Question proposed, "That the words proposed to be left out stand part of the said proposed Amendment."

Mr. HOLMES: It is very much to be regretted that the hon. Gentleman was not in his place on the evening of Tuesday, 7th June, because he would have found that an Amendment was moved to insert in Clause 3, after the word "where," the words "after the passing of this Act." A great deal of argument then took place, and it was strongly urged that the clause should not be retrospective. The hon. Member who moved that Amendment spoke some time on it. He was replied to by myself. Three or four hon. Members spoke to the question from the Benches opposite, and one speech which we listened to was very much the same as that we have just heard from the hon. Gentleman asking what crimes this Act would apply to. That hon. Member also was answered, and after considerable discussion the hon. Gentleman withdrew his Amendment. If the hon. Gentleman opposite had known this I am sure he would not have gone on with his proposal. It is to be regretted that on Wednesday afternoon, 8th June, he was not in his place at half-past 3 of the clock, when another and a similar Amendment was moved by the hon. Gentleman the Member for North Donegal (Mr. O'Doherty). I cannot say whether we divided on that Amendment, but I think we did. The hon. and learned Gentleman the Attorney General (Sir Richard Webster) has gone out to see whether we did or not. The Amendment was discussed, at any rate, and a speech was made very similar to that delivered on the occasion of the moving of the former Amendment. If the hon. Gentleman opposite (Mr. Dillon) is in Order in moving the present Amendment, it is because of the technical circumstance that the original Amendment was withdrawn. I must decline to discuss a matter which was discussed so lately as Tuesday and Wednesday in last week.

MR. CHANCE (Kilkenny, S.): The proposed Amendment is to insert "after the date of such Proclamation." The Amendment negatived was "after the passing of this Act;" there is a great distinction; and I submit that, if there had been a decision, the effect of that decision would have been to render this proposed Amendment of the Attorney General for Ireland wholly irregular.

THE CHAIRMAN: The effect of that Amendment evidently was to make the provisions of Section 4 applicable to crimes committed before the passing of the Act as well as after. But in the case of Section 3 the Amendment was withdrawn; therefore the point is practically open with respect to Clause 3. The matter can only be dealt with by the Committee as regards Section 3.

MR. CHANCE: The fact of that Amendment could not extend or diminish the effect of the words "committed in a proclaimed district." These are the words we are now seeking to define, and I submit to you, Sir, that in pursuance of your ruling it is open to us to define the words "committed in a proclaimed district."

THE CHAIRMAN: No; I have not said that the words "committed in a proclaimed district" have any reference to the date of the Proclamation. It is a mere question of geographical description. Last Wednesday it was decided that Section 4 should be equally applicable.

MR. DILLON (Mayo, E.): All I can do is to divide the Committee on the question of the special jury, as the special jury is the machinery by which the Government will be able to try myself and others for recent transactions in which we were engaged.

MR. CHANCE: Would it be in Order, Mr. Courtney, to move to leave out the words "before or?"

THE CHAIRMAN: It is impossible to avoid the substantial question. The question was concluded, as I have told the hon. Member, by the vote of last Wednesday.

MR. CHANCE: All I asked, Sir, was whether it would be in order to move to leave out the words "before or?"

THE CHAIRMAN: No; not as regards Section 4.

MR. CHANCE: Then I move to add, after the word "Act," "as to Section 4, and as to Section 3 after the date of such Proclamation." I submit, Sir, that that will be in Order.

Amendment proposed to the said proposed Amendment, to add, at the end thereof, the words, "as to Section 4, and as to Section 3 after the date of such Proclamation."—(*Mr. Chance.*)

Question proposed, "That those words be added to the proposed Amendment."

MR. T. M. HEALY (Longford, N.): I think it would be only reasonable for the Government to tell us the exact number of people they intend this section to apply to. We shall not dispute the desirability of this provision; but we are, at all events, entitled to know if the Government have some warranty and necessity for this provision, and who are the persons it is to apply to. If my hon. Friend the Member for East Mayo (Mr. Dillon) is indicted he may be taken to Belfast, and tried by a special jury.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): The hon. and learned Gentleman asks who are the persons against whom indictments will be brought. If he will put a Question to me in the ordinary way I will try to answer it. He then referred to proceedings taken against the hon. Gentleman the Member for East Mayo (Mr. Dillon.) I do not know whether he is aware that those proceedings have been abandoned by the Government, and that they do not intend to take any further steps in regard to them. That was announced in all the public newspapers, and therefore it is hardly conceivable that the Crown will revive those proceedings.

MR. CHANCE (Kilkenny, S.): Those proceedings were undoubtedly dropped in County Dublin; but I have seen nothing to prevent my hon. Friend being dragged up to County Antrim, and there tried by a jury of 12 landlords. There has certainly been a Parliamentary evasion of the question asked. We have asked whether it is intended, in respect to those transactions, to bring the hon. Member for East Mayo (Mr. Dillon) and his political Colleagues before a jury in the North of Ireland under Section 4 of this Bill? We believe that it is intended to revive those proceedings; we believe that this Amendment has been moved for the purpose of making it clear to the Courts that the Executive will be entitled to revive the proceedings; and we ask for a plain answer, Yes or No, upon the subject. I must remark that, having limited us to four and a-half days', or thereabouts, discussion, it is in the highest degree unreasonable and unfair for the Government to put down an Amendment of this character, which certainly raises very contentious matter, and re-opens questions which have been already argued and decided.

THE ATTORNEY GENERAL FOR IRELAND (Mr. HOLMES) (Dublin University): I think it will be a sufficient answer to the last charge brought against the Government when I say that you, Sir, have ruled that, as regards three of these special sections, the matter has been already decided by the Committee. Hon. Members below the Gangway opposite appear to understand the language of the Treasury Bench as always used in a different sense to that intended, and I do appeal to English Members to believe that when I state that proceedings have been abandoned I state what I mean—that proceedings have been really abandoned and will not be revived.

MR. DILLON (Mayo, E.): It is all very fine for the Attorney General for Ireland (Mr. Holmes) to get into a frenzy over this question, and to say the Government mean what they say. I will not contradict his assertion, but I have practical experience of the way things are conducted in Ireland; they are conducted differently to the way they are described in the House of Commons. I have gone through this business. I was proceeded against last winter; first of all, in a police court in County Galway. The proceedings there were definitely dropped by the Crown, and notice was served on me at my house in Dublin that those proceedings were at an end. Then I was proceeded against in the City of Dublin in respect to the very same transactions. I was transferred to the County of Dublin, and then the trial proceeded, and the Crown was defeated. They intended to proceed again at a subsequent Assize, but they changed their mind, and gave notice that the proceedings were dropped. I have been twice proceeded against on the same transactions. Having received notice before the proceedings in the City of Dublin that the proceedings would be dropped, I have no confidence, even after the statement of the Attorney General for Ireland, that I shall not be proceeded against again on the same transactions. This may appear a trivial and absurd thing to some hon. Members; but, at the same time, I do want something more straightforward and plain from the Attorney General for Ireland before we allow this section to pass. He stated that the Crown had no intention of resuscitating these proceedings. Now, this is a retrospective clause, and may be used against the men who were tried in Dublin last winter, or against others who took part along with them. I am not thinking of ourselves alone, but of the hundreds and thousands of men who are engaged in similar work. If these clauses are passed in their present shape we and many others will be absolutely at the mercy of the Attorney General for Ireland, who is exceedingly polite in this House, but who is the very reverse when he is prosecuting in Green Street. When he gets us into Court he will hit below the belt. ["Oh, oh!"] I mean that he will hit below the belt in the sense of packing juries in a legal sense. He will resort, as every Irish official before him has resorted, to every legal dodge to secure the conviction that the Castle has set its heart upon. Therefore, it is absurd to expect our opposition will be disarmed by the plausible statements of the Attorney General for Ireland, and by his appeals to English Members. We know perfectly well what we in Ireland have to expect from the Irish Government. Unless the Government will give us an assurance that this particular retrospective power will not be used in the way we fear it will, it is our bounden duty to resist this Amendment to the last.

MR. T. M. HEALY: We are asked to believe what the Government say. But we are dealing with Gentlemen who, when they were elected, said they did not mean to propose coercion, yet they have brought in this Bill. It is absolutely necessary we should examine very closely the words used by the Government. Now, I asked the right hon. and learned Gentleman to whom this section is to apply—not an unreasonable question to ask. He says that if I will put a Question upon the Paper he will endeavour to answer it. Does he think we have nothing to do but to write out Questions to be asked in this House?

MR. HOLMES: The hon. and learned Gentleman asked me to what number of persons the section was intended to apply, and I asked that he should put a Question in the usual way upon the point.

MR. T. M. HEALY: When Sir George Trevelyan was in Office he found all his information in his box. When the Government knew this clause was coming on, is it reasonable they should think it sufficient to say that it is similar in effect to the provision discussed last Wednesday? Last Wednesday we asked for this information, and now, forsooth, we are to be put to the trouble of writing out a question to get at the information! What is the good of having a Parliamentary Under Secretary for Ireland if he cannot telegraph to Dublin to get information on such points as these? You do not spare expense, and I do think it is reasonable when you put a special Amendment on the Paper, evidently the result of second thoughts, and not at all arising out of the Bill as originally framed, that you should give us the information we now ask. You have had plenty of time to obtain the information. We ask who are the individuals against whom this clause is intended to be put in operation? We have considerable reason to complain that this information is not forthcoming. We did, at least, expect that the Department of the Attorney General for Ireland would have obtained information as regards these prisoners. It is unreasonable to ask us to put down Questions on this subject. If we do put down Questions we shall be attacked for doing so; it will be said they are nothing but obstructive Questions. Will the Government give us this information on Report? That would be a fair compromise.

DR. KENNY (Cork, S.): The right hon. and learned Gentleman (Mr. Holmes) would shorten this discussion if he could bring himself to give a straightforward answer to a straightforward question. This is entirely a matter of definition. He says he has served notice on the defendants in the recent trials that he has discontinued these proceedings. What does he mean? Of course, we know the proceedings in Green Street are *ipso facto* discontinued. Will he say he does not intend, under this Bill, to bring further proceedings in reference to transactions out of which the recent trials arose? We should then be satisfied with what he said, because we would understand the meaning of his words. But at present we do not understand what he means. The Government talk about not coercing the Irish. That is another case of definition. We think they are coercing Ireland. By-and-bye in Court the Attorney General for Ireland may say that when he said he was going to discontinue these proceedings he meant the true bill given by the Grand Jury. What we want to know is whether any other prosecutions arising out of the recent transactions will be instituted? If he will make that clear we shall be satisfied.

MR. CHANCE: The right hon. and learned Gentleman the Attorney General for Ireland appealed to English Gentlemen, and asked them to believe what he said. I am sure they do believe what he said. We believe it. But I am a lawyer. I have defended my hon. Friends in political trials, and I know precisely the value of what he said. I ask the Committee to note what he said. He couched his observations in the most strict and accurate legal language, so that if proceedings are taken in Belfast or Antrim against my hon. Friend (Mr. Dillon) he will be able to turn to the pages of *Hansard*, and say he has observed the very letter of his undertaking, although, at the same time, he may have broken the spirit of it. Now, he has said the proceedings have been abandoned. I assume by the proceedings he means the indictment upon which my hon. Friend the Member for East Mayo and his Colleagues were brought up in Green Street before a jury of County Dublin. We ask the Attorney General for Ireland now to state straightforwardly and plainly does he mean the Crown will not take any proceedings in respect to the transactions for which the hon. Gentleman the Member for East Mayo was indicted? I am entitled to appeal to English Gentlemen in the House, and I do appeal to them with confidence, that they should insist upon getting a straightforward answer to the very simple question we have put. I warn hon. Gentlemen that if they do not do this it will be in the power of the Crown, without the slightest breach of faith, to indict my hon. Friend again, this time in the North of Ireland, before a jury of Northern landlords, and in doing so to point to *Hansard*, and say—"We have broken no pledge; we did not continue the proceedings in Green Street; but we took independent proceedings." They did that at Loughrea. They took certain proceedings by warrant; then they served notice that the proceedings were abandoned, and as soon as the notice was served they served a summons, recommencing the very same proceedings in the Dublin Courts. I beg that hon. Gentlemen will insist upon an answer being given to our question.

Mr. HOLMES: It is quite evident hon. Gentlemen below the Gangway opposite have taken up a position that no language will cause them to alter. I have already said that the proceedings have been abandoned by the Crown, and there is no intention of reviving them. I now say, further, that if what has been asserted by hon. Members opposite were possible—namely, that a bill against the hon. Member for East Mayo (Mr. Dillon) based upon the same transactions could be sent up to some other Grand Jury, it would only be possible by virtue of the grossest breach of faith. I have no intention of reviving the proceedings, and I said the same thing half-an-hour ago.

Question put.

The Committee *divided*:—Ayes 116; Noes 233: Majority 117.—(Div. List, No. 230.) [12.50 A.M.]

Question put, "That the Amendment, as amended, be added to the Clause."

The Committee *divided*:—Ayes 227; Noes 118: Majority 109.—(Div. List, No. 231.) [1.10 A.M.]

Question put, "That Clause 5, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 229; Noes 117: Majority 112. [1.25 A.M.]

AYES.

Addison, J. E. W.
Agg-Gardner, J. T.
Ainslie, W. G.
Allsopp, hon. P.
Ambrose, W.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Ashmead-Bartlett, E.
Baden-Powell, G. S.
Baggallay, E.
Bailey, Sir J. R.
Baird, J. G. A.
Balfour, rt. hon. A. J.
Balfour, G. W.
Banes, Major G. E.
Barry, A. H. Smith-
Bartley, G. C. T.
Bass, H.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beadel, W. J.
Beaumont, H. F.
Bentinck, Lord H. C.
Bentinck, W. G. C.
Beresford, Lord C. W. De la Poer
Bethell, Commander G. R.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Colonel H. B. H.
Bond, G. H.
Bonsor, H. C. O.
Boord, T. W.
Borthwick, Sir A.
Bridgeman, Col. hon. F. C.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Burghley, Lord
Caine, W. S.
Caldwell, J.
Campbell, Sir A.
Campbell, J. A.
Campbell, R. F. F.
Charrington, S.
Clarke, Sir E. G.
Coghill, D. H.
Commerell, Adml. Sir J. E.
Compton, F.
Cooke, C. W. R.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cranborne, Viscount
Cross, H. S.
Crossman, Gen. Sir W.
Davenport, H. T.
Davenport, W. B.
De Cobain, E. S. W.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dimsdale, Baron R.
Dorington, Sir J. E.
Dugdale, J. S.
Dyke, right hon. Sir W. H.
Eaton, H. W.
Edwards-Moss, T. C.
Egerton, hon. A. de T.
Elcho, Lord
Elliot, hon. H. F. H.
Elliot, G. W.
Elton, C. I.
Evelyn, W. J.
Eyre, Colonel H.
Feilden, Lt.-Gen. R. J.
Fergusson, right hon. Sir J.
Fielden, T.
Finch, G. H.
Finlay, R. B.
Fisher, W. H.

Fitzgerald, R. U. P.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Forwood, A. B.
Fowler, Sir R. N.
Fraser, General C. C.
Gathorne-Hardy, hon. A. E.
Gedge, S.
Gent-Davis, R.
Gibson, J. G.
Gilliat, J. S.
Godson, A. F.
Goldsmid, Sir J.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Gray, C. W.
Green, Sir E.
Grimston, Viscount
Grotrian, F. B.
Gunter, Colonel R.
Gurdon, R. T.
Hall, C.
Halsey, T. F.
Hambro, Col. C. J. T.
Hamilton, right hon. Lord G. F.
Hamilton, Lord E.
Hamilton, Col. C. E.
Hanbury, R. W.
Hankey, F. A.
Hardcastle, E.
Hardcastle, F.
Heathcote, Capt. J. H. Edwards-
Herbert, hon. S.
Hermon-Hodge, R. T.
Hervey, Lord F.
Hill, right hon. Lord A. W.
Hill, Colonel E. S.
Hoare, S.
Holland, right hon. Sir H. T.
Holmes, rt. hon. H.
Hornby, W. H.
Houldsworth, W. H.
Hozier, J. H. C.
Hubbard, E.
Hughes, Colonel E.
Hulse, E. H.
Hunt, F. S.
Isaacs, L. H.
Isaacson, F. W.
Jackson, W. L.
Jarvis, A. W.
Johnston, W.
Kelly, J. R.
Kenrick, W.
Kenyon, hon. G. T.
Kenyon - Slaney, Col. W.
Kerans, F. H.
King - Harman, right hon. Colonel E. R.
Knowles, L.
Lafone, A.
Lambert, C.
Laurie, Colonel R. P.
Lawrence, W. F.
Lea, T.
Lechmere, Sir E. A. H.
Lees, E.
Leighton, S.
Lewisham, right hon. Viscount
Llewellyn, E. H.
Long, W. H.
Low, M.
Lowther, hon. W.
Lowther, J. W.
Macartney, W. G. E.
Macdonald, right hon. J. H. A.
Maclure, J. W.
M'Calmont, Captain J.
Malcolm, Col. J. W.
Mallock, R.
March, Earl of
Marriott, rt. hn. W. T.
Maskelyne, M. H. N. Story-
Matthews, rt. hn. H.
Maxwell, Sir H. E.
Mayne, Admiral R. C.
Mildmay, F. B.
Milvain, T.
More, R. J.
Morgan, hon. F.
Mount, W. G.
Mowbray, R. G. C.
Mulholland, H. L.
Muntz, P. A.
Murdoch, C. T.
Newark, Viscount
Noble, W.
Northcote, hon. H. S.
Norton, R
Paget, Sir R. H.
Pelly, Sir L.
Penton, Captain F. T.
Plunket, right hon. D. R.
Powell, F. S.
Price, Captain G. E.
Raikes, rt. hon. H. C.
Rankin, J.
Reed, H. B.
Ridley, Sir M. W.
Ritchie, rt. hn. C. T.
Robertson, J. P. B.
Robinson, B.
Rollit, Sir A. K.
Ross, A. H.
Round, J.
Royden, T. B.
Russell, Sir G.
Russell, T. W.
Saunderson, Col. E. J.
Sellar, A. C.
Sidebotham, J. W.
Sidebottom, T. H.
Sidebottom, W.
Smith, rt. hon. W. H.
Smith, A.
Stanhope, rt. hon. E.
Stanley, E. J.
Swetenham, E.
Sykes, C.
Talbot, J. G.
Tapling, T. K.
Temple, Sir R.
Thorburn, W.
Tollemache, H. J.
Tomlinson, W. E. M.
Townsend, F.
Trotter, H. J.
Verdin, R.
Walsh, hon. A. H. J.
Webster, Sir R. E.
Weymouth, Viscount
Wharton, J. L.
White, J. B.
Whitley, E.
Whitmore, C. A.
Wilson, Sir S.
Wolmer, Viscount
Wood, N.
Wortley, C. B. Stuart-
Wright, H. S.
Wroughton, P.
Young, C. E. B.

TELLERS.
Douglas, A. Akers-
Walrond, Col. W. H.

NOES.

Abraham, W. (Limerick, W.)
Acland, A. H. D.
Allison, R. A.
Blane, A.
Broadhurst, H.
Burt, T.
Campbell, H.
Carew, J. L.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Cobb, H. P.
Coleridge, hon. B.
Commins, A.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Crilly, D.
Dillon, J.
Dillwyn, L. L.
Ellis, J. E.
Ellis, T. E.
Esmonde, Sir T. H. G.
Evershed, S.
Fenwick, C.
Finucane, J.
Foster, Sir B. W.
Fox, Dr. J. F.
Gaskell, C. G. Milnes-
Gill, T. P.
Grey, Sir E.
Harrington, E.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Healy, T. M.
Holden, I.
Hooper, J.
Hunter, W. A.
Jacoby, J. A.
James, C. H.
Joicey, J.
Kennedy, E. J.
Kenny, C. S.
Kenny, J. E.
Kenny, M. J.
Labouchere, H.
Lawson, Sir W.
Lawson, H. L. W.
Lewis, T. P.
Macdonald, W. A.
Mac Neill, J. G. S.
M'Arthur, A.
M'Arthur, W. A.
M'Cartan, M.
M'Carthy, J.
M'Donald, P.
M'Lagan, P.
Maitland, W. F.
Marjoribanks, rt. hon. E.
Marum, E. M.
Mason, S.
Montagu, S.
Morley, A.
Neville, R.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Connor, A.
O'Connor, J. (Kerry)
O'Connor, J. (Tipperary)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Hea, P.
O'Kelly, J.
Paulton, J. M.
Pease, A. E.
Pease, H. F.
Pickard, B.
Pickersgill, E. H.
Pinkerton, J.
Powell, W. R. H.
Power, R.
Price, T. P.
Priestley, B.
Provand, A. D.
Pyne, J. D.
Quinn, T.
Redmond, J. E.
Redmond, W. H. K.
Rendel, S.
Roberts, J.
Roberts, J. B.
Rowlands, J.
Rowlands, W. B.
Sexton, T.
Shaw, T.
Sheehan, J. D.
Smith, S.
Stack, J.
Stanhope, hon. P. J.
Stuart, J.
Sullivan, D.
Sullivan, T. D.
Tanner, C. K.
Thomas, A.
Tuite, J.
Wallace, R.
Watt, H.
Williams, A. J.
Williamson, J.
Wilson, H. J.
Wilson, I.
Yeo, F. A.

TELLERS.
Biggar, J. G.
Sheil, E.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again," put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

CRIMINAL LAW AMENDMENT (IRELAND) [EXPENSES].

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. T. M. HEALY (Longford, N.): Mr. Speaker, the other night I asked a distinct question as to the expenses arising under this Bill. It was provided by the sub-section which has been struck out that if a man was taken over to England, all his expenses and those of his witnesses, counsel, and so on would be paid. I have already pointed out that England is much nearer to some parts of Ireland than some parts of Ireland, such as Belfast, are to Kerry and Cork. I must say that if a man engages a solicitor or a counsel in one county, or in one Circuit, and the venue of the trial is changed to a division or a county, or a district where the solicitor or counsel does not practise, the result is to inflict on the accused person the necessity of paying fees to a second counsel and engaging a second solicitor. And it is not only a question of the expense involved. When a person requiring legal advice is in prison, the solicitor has either himself to visit him or to send his clerk, and thereby he obtains the confidence of the prisoner. If you change the venue to some distant place—say, Belfast—you throw the prisoner into the hands of a solicitor of, perhaps, a totally different character. Perhaps the solicitor has found the counsel. It is perfectly notorious that counsel pocket all the fees they get, whether they have earned them or not. Perhaps the right hon. Gentleman the Chief Secretary (Mr. A. J. Balfour) and the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) will not deny that proposition. It would be a very great hardship to the prisoner if he was obliged to fee a second counsel. I will further say that I do not see for one moment why the counsel or the solicitors of a particular Circuit ought to be Boycotted in favour of the Orange attorneys and barristers of the North of Ireland. I say this with some feeling. You will change the venues to the North of Ireland, and thereby Boycott the entire Circuits of Leinster, Connaught, and Munster. We are entitled, I think, to base a distinct understanding on this question before we allow the House to go into Committee. I am not at all in favour of giving the existing Law Officers any bigger salaries, and I see no necessity for going into Committee if it is only for granting them these little consolations.

Mr. CHANCE (Kilkenny, S.): I rise merely for the purpose of pointing out that whilst power is to be taken for providing for the expenses and personal charges of counsel and witnesses solicitors are to be omitted altogether. I beg to ask you, Mr. Speaker, whether it will be competent for me to move an Amendment on this subject in Committee, or whether it is necessary to propose an Instruction now?

The ATTORNEY GENERAL for IRELAND (Mr. Holmes) (Dublin University): The same question as that which the hon. and learned Member for North Longford (Mr. T. M. Healy) raises now was brought forward the other evening in Committee on the Bill, and I then gave the answer which I must now repeat—namely, that we propose to pay all the costs which the prisoner or accused person will be put to by reason of the change of venue, and that this will be done on the same principle as was adopted in the case of the Act of 1882. I can say, of my own knowledge, that under the Act of 1882 the provision was carried out fairly and liberally, as far as I could judge, and I am not aware that any single complaint was made. [Mr. T. M. Healy: I complained myself.] I will just explain what I consider a reasonable case of change of venue. Supposing a prisoner is arrested in the County of Cork, I admit it is a reasonable thing that he should have an opportunity of consulting a solicitor in that county. Now, if the venue is subsequently changed to some place upon another Circuit—say, for instance, to Waterford—I think it would be a reasonable thing that a solicitor who goes from Cork to Waterford should receive the proper fee payable to a solicitor for going from one county to another. But if the venue is changed, as, under most circumstances, it will be changed, to the Waterford Assizes, there are very competent counsel going on that Circuit, and the solicitor only engages his counsel when they come upon Circuit. If the venue had been changed to England, we considered that it was desirable that the prisoners should have the advantage of obtaining the assistance of counsel whom the Irish solicitor might consult. The hon. and learned Member suggests that the venue might be changed after the jury is empannelled. I can quite understand that it would be improper, under such circumstances, to deprive a man of the counsel who had been briefed, and who knew all the circumstances of the case. I know that under the Act of 1882, where arrangements were made to bring such a counsel to the changed venue—[Mr. T. M. HEALY: He would be paid?] He would be paid. That was done under similar clauses in 1882. The hon. and learned Member appears to assume that all these cases are to be transferred to Belfast. Now, under the Act of 1882, there was no change of venue from the South of Ireland to Ulster. There were cases in which the venue was changed from Ulster to other parts of Ireland, but not from the South to Ulster. The cases that would be transferred to the North would naturally be very exceptional cases. As to the point raised by the hon. Member for South Kilkenny (Mr. Chance), the solicitors are covered by the words of the clause.

MR. SPEAKER: In answer to the question which was put to me by the hon. Member for South Kilkenny, I certainly think that the Resolution to be proposed in Committee would cover the expenses which would be thought proper for solicitors.

Question put, and *agreed to.*

MATTER *considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of any allowances that may be made, and Expenses that may be incurred, under the provisions of any Act of the present Session to make better provision for the prevention and punishment of Crime in Ireland."—(*Mr. A. J. Balfour.*)

MR. T. M. HEALY (Longford, N.): In the main I think the answer given by the right hon. and learned Gentleman the Attorney General for Ireland to my questions before going into Committee was satisfactory; but what I wish to ask is whether rules will be made and hung up in the prisons, so that the prisoners may understand what they are entitled to claim? When a prisoner is subjected to change of venue, the least we can ask is that such rules shall be made, and that he shall be able to understand the purport of them. I have known of many cases of prisoners pleading guilty, simply because they could not afford to keep their witnesses any longer. Anyone who will ask the Judge or the counsel who attended the Winter Assizes of 1881 in Cork will learn that the witnesses for some of the prisoners spent their Christmas in the workhouse, because money was not forthcoming to maintain them, and the prisoners were afterwards obliged to plead guilty because the witnesses could not be kept any longer in Cork. I heard a similar complaint about a case at the Assizes in the town of Omagh. What, then, would be the case when witnesses have to be sent from Kerry or Cork to Ulster, hundreds of miles away? How can an unfortunate prisoner find the railway fare for his witnesses from Cork to Belfast, or, it may be, to Dublin? I may be told that he has only to give the names of his witnesses to the Solicitor for the Crown. Well, what would be the result? They would, every one of them, be examined by a Resident Magistrate under the 1st clause of the Bill. Now that that section has been passed I cannot conceive the possibility of any accused person escaping conviction, however innocent he may be. With this Act in your hands you might charge the Archbishop of Dublin with the Phœnix Park murders, and I would undertake to convict him in the twinkling of an eye with the aid of a packed Dublin or Ulster jury. The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Holmes) has stated that the majority of cases will not be brought to Belfast. That may be true when there is no political question involved; but will the right hon. and learned Gentleman give us an undertaking that if they are brought to Belfast the special expenses of counsel will be provided? It is no good, as a general rule, for any Catholic counsel to go to Belfast, and hence the Bar there is almost entirely in the hands of a particular section. Of course, a few Catholics are now going the Northern Circuit; but it is not worth the while of most to do so. I had a case the other day myself, and I gave it to an Orangeman to advise upon, because I was quite sure that the integrity of the Bar was to be relied on. [*Ministerial cheers.*] Yes; that may be very well when you have educated men concerned; but the poor prisoners will not think so. You must assume that among the prisoners there will be one innocent man. That is not a very large assumption. Well, for the sake of that one innocent man I do think that we should adopt some precautions. I think that when a counsel has to travel from Kerry to Ulster the least that can be asked is that his expenses should be paid.

Mr. HOLMES: The clause in the Bill contemplates that the Lord Lieutenant, with the consent of the Treasury, should make rules from time to time. I am sorry to say that I cannot assent to the rest of what the hon. and learned Member says. It amounts to this—that if there is a change of venue to Belfast there are to be special fees. I cannot consent to that. It would be perfectly unnecessary when upon a Circuit like the Northern Circuit, where there are, perhaps, 50 or 60 men who honourably carry on the profession of the Bar. I must protest against the idea that amongst those 50 or 60 men you could not find any who would act with integrity. [Mr. T. M. Healy: I have said the reverse.] I must protest against the idea that there are not to be found on the Northern Circuit counsel of the same ability as gentlemen in other parts of Ireland.

Mr. CHANCE: The reference of the right hon. and learned Attorney General is, I presume, to a case in which an old friend of the Treasury Bench was plaintiff for the Government and Mr. William O'Brien was defendant. It happened that I was solicitor for the defendant, and I remember I had to take down counsel and to pay the ordinary special retainer. Some distinction should be made in such cases. No doubt the services of excellent counsel can be obtained who practise in the locality; but witnesses will not submit themselves satisfactorily to the examination by counsel as to whom they know nothing, of whom they hear that he is an Orangeman, and so forth, and who they may see on another day prosecuting one of their own Party. But the right hon. and learned Attorney General said nothing about the expenses of witnesses. He did not tell us whether counsel will have to disclose the names of witnesses first before any arrangement will be made as to expenses. We require some pledge that the Crown, having obtained the names of witnesses thus, will not, as has been often done, go to the witnesses and bully, badger, and threaten them in order to get them to give evidence for the prosecution. This is a most undesirable state of affairs; the Crown ought not to interfere in this way, and it ought to be rendered impossible to do so. We want assurance that, the names having been submitted to the Crown Solicitor, that shall not take place which undoubtedly has taken place; that some constable or sub-constable shall not attempt to work up the case for the prosecution by getting at the witnesses for the defence under the stimulus of the reward their zeal may gain.

Mr. MAURICE HEALY (Cork): I respectfully ask the right hon. and learned Gentleman to give some reply on the point to which his attention has been called by the hon. and learned Member for North Longford. It is really the most important of the three points that have been raised, and one that will have to be fought out either now or at a later stage. The right hon. and learned Gentleman said that the administration of the Crimes Act in the past was such that no complaint could fairly be made; but I think if he had consulted the counsel for the prisoners he would gather a very different account. It is within my own knowledge and my experience at Winter Assizes that on the point of the expenses of witnesses prisoners have grave causes of complaint. Several such cases have been referred to, and others have come under my personal knowledge in which witnesses brought up from Kerry to Cork have been kept hanging about day after day waiting for the trial in which they were concerned to come on, until they have had actually to go to the poor house, night after night, to get their food and lodging, owing to the want of means of the prisoner to sustain them. Of course, the natural result is that the bulk of the witnesses have to go away before the trial comes on, and the unfortunate prisoner is left with a very small portion of the evidence he was prepared to bring forward. The rule of the Crown Solicitor is this—I have had experience of it over and over again —that, as sometimes the Court disallow the expenses of a witness because his evidence has been shown to be false, the Crown Solicitor proceeds on the assumption that this is always going to be the case, and will pay no expenses until the trial is over. Now, having regard to the fact that the Winter Assizes sometimes last a long time, it is a great hardship, when a prisoner is tried 20, 30, or 40 miles from his home, for him, if not in prison, to maintain himself, and in many cases his witnesses, during a long and uncertain interval of waiting. If criminal cases were taken in any consecutive order like the processes at Sessions, he might calculate when his trial was likely to come on, and not bring up his witnesses until they were likely to be required; but the Crown officials bring on the cases when and how they please; they give no notice; and if the prisoner's witnesses are not there at the minute it is decided to go on, the chances are the case will be heard without them. The right hon. and learned Gentleman says this is a matter to be dealt with by rule rather than by direct enactment; but we ask for some undertaking that when the Lord Lieutenant proceeds to make the rules, which, of course, will be done through his Legal Advisers in Dublin Castle, he will so draw those rules that some justice shall be done to the prisoner; that he will not keep up this barbarous and grossly unfair practice of treating prisoners, so that, in nine cases out of 10, the prisoner is driven to great straits to keep his witnesses, and is sometimes obliged to go to trial without them.

Mr. HOLMES: I have already said that the expenses of bringing witnesses to the place to which the venue is changed will be borne by the Crown, and as to keeping them while there that is a matter that must be dealt with by rules, which rules will be framed so that justice shall be done. I do not mean to say that expenses can be advanced for every possible witness; there must be a certain amount of examination in each instance before that is done. I am sure hon. Gentlemen will see the fairness of that. I cannot give any pledge as meaning that no Crown official shall address a witness for the defence in reference to any particular case. I might as well say that a prisoner or his solicitor has no right to speak to a Crown witness; of course there is the right. So far as the expenses of witnesses who are obliged to go to the place to which the venue is changed, that will be borne by the Crown, and so also as to the expenses of keeping them there, and this will be according to rules to prevent abuses and to secure that justice shall be done.

Mr. T. M. HEALY: And will the cases be in an alphabetical list?

Question put, and *agreed to.*

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of any allowances that may be made, and Expenses that may be incurred, under the provisions of any Act of the present Session to make better provision for the prevention and punishment of Crime in Ireland.

Resolution to be reported *To-morrow.*

PLACES OF WORSHIP (SITES) BILL.

(*Mr. J. E. Ellis, Mr. Broadhurst, Mr. Borlase, Mr. Burt, Mr. M'Arthur, Mr. Henry Wilson.*)

[BILL 5.] SECOND READING.

Order for Second Reading read.

Mr. J. E. ELLIS (Nottingham, Rushcliffe): I need hardly say it is not my intention to detain the House at this hour—2.10 a.m.—with a speech in support of this Bill. It was introduced some years ago by the hon. Member for West Nottingham (Mr. Broadhurst), and discussions were taken upon it in 1884-5. Last year it was placed in my hands, when my hon. Friend became Under Secretary to the Home Department, and it passed its second reading without any Division. I hope I may appeal to the Government not to throw any obstacle in the way of the second reading now. It is a simple and a small measure, having for its object the giving facilities for the acquisition of sites for places of public worship. It contains 11 clauses and provisions by which persons belonging to any religious denomination can obtain compulsorily by a certain procedure set forth land for the purpose of building a church or chapel. There are many districts where such persons are placed at great disadvantage by reason of landowners refusing to sell for the purpose, and this Bill is to place all denominations in possession of an advantage now possessed by one particular demomination—the Church of England. I am sure there will be a general disposition that power possessed by one denomination should apply to all. Strictly adhering to my promise not to make a speech at this late hour I now move the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. J. E. Ellis.*)

Mr. J. G. TALBOT (Oxford University): I do not propose to follow the example of the hon. Member for the Rushcliffe Division of Nottingham (Mr. J. E. Ellis) and not discuss the principle of this Bill, and so, I think, I have sufficient justification for the course I propose to take to move the adjournment of the debate. There is a simple reason and a conclusive one; the Bill explained in a very moderate speech by the hon. Member, who affirms that its principle is a moderate one, really does go a very great way in the direction of confiscation. It proposes to take property, whether the owner wishes it or not, for what is called public purposes, though I am not quite sure that it can be maintained it is for a public purpose. But this is not a question we can argue now, and at this late hour I believe I shall be consulting the convenience of the House by moving the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. J. G. Talbot.*)

Mr. BROADHURST (Nottingham, W.): I do not know who is in charge of the Party opposite. I do not see the right hon. Gentleman the Leader of the House (Mr. W. H. Smith); but whoever is in command of the army, or exercises control in the ranks opposite, I sincerely hope that he will use his influence to induce the hon. Gentleman to withdraw the Motion just made. The subject this Bill deals with is a perfectly simple one and is, I think, well understood by every Member in the House, and it has frequently been debated in the House. It is but a simple act of justice to confer on Nonconformists the same privileges as are now possessed by the Church in regard to acquiring space for places of worship. I sincerely hope that the Government, having appropriated all the time of the House for purposes of their own, will not crush out this little attempt at legislation, but will allow the Opposition this crumb of comfort of having obtained the second reading of a measure that excites the greatest interest throughout the country among persons of both Parties, for this is by no means a political Bill. It is simply to confer on Nonconformists a position of equality with that possessed by Churchmen. The right hon. Gentleman the Secretary of State for the Home Department (Mr. Matthews) appears to look as though he has taken the position of Leader opposite. I appeal to him to induce his supporter to withdraw this unreasonable Motion, and allow us to take a decision on the Bill. If the Government do not think proper to do that, I sincerely hope my hon. Friend the Member for the Rushcliffe Division (Mr. J. E. Ellis) will take a Division on the adjournment, and we will count that as a Second Reading Division.

Colonel NOLAN (Galway, N.): I will only remind the House that I originally brought in a Bill of this kind for Ireland, and I may say the whole of Ireland wants it just as much as do the Nonconformists of England. I will not detain the House now; but I do think it is shockingly unfair to adopt this means of defeating a Bill of this kind. We have an opportunity of doing a little good after passing whole nights in unprofitable discussion of the Crimes Bill. Here we have a pennyworth of wholesome bread to the "intolerable deal of sack" we have been spilling so freely, and we are met with a motion for adjournment! I will only say the Bill is very much wanted in Ireland, and I hope the Government will take some step to check the misdirected zeal of their followers.

Mr. CONYBEARE (Cornwall, Camborne): I do not think that anyone on the other side can complain of taking the Bill at this hour, considering that every available moment of what may be called reasonable time is employed by the Government for another purpose. We are perfectly justified in availing ourselves of such a chance as this when we get it. If you are afraid of this Bill then say so fairly and boldly; do not endeavour to get rid of it by a side wind. I agree with the hon. Member for West Nottingham (Mr. Broadhurst) if we are to have a Division then that Division shall be considered as a Second Reading Division. I should not have risen to say one word in support of the measure if it had not been for a remark of the hon. Member for the University of Oxford (Mr. J. G. Talbot), who said he doubts whether this Bill has to do with public purposes. Well, it is usually considered that the religion of the country might well fall under the definition of public purposes, and I fail to see why the religion of the greater part of the population is less a public object than that of one particular denomination. We are met by the cry of confiscation. I will only——

MR. SPEAKER: Order, order! The Motion before the House is the Motion for the Adjournment of the Debate.

MR. CONYBEARE: Very well, Sir. I quite understand it is impossible, under the circumstances, to meet the objections the hon. Gentleman has urged against the Bill. It only shows how exceedingly inconvenient—I will even say how unjust—such a Motion is, especially when the hon. Gentleman made a speech against the Bill before he concluded with his Motion for Adjournment.

MR. A. M'ARTHUR (Leicester): I hope the hon. Gentleman the Member for Oxford University (Mr. J. G. Talbot) will not press his Motion. Some of us have been waiting here eight or ten hours for this Bill to come on, because we understood it was to come on, there being no strong objection to it, nor could there be, for it is a most reasonable Bill. It is brief, the clauses are few, and once the second reading is passed we should dispose of it quickly. I hope it will not be postponed in this indirect manner. If there is to be a Division at all, let it be upon the Bill itself.

MR. CAINE (Barrow-in-Furness): I join in the appeal to hon. Members opposite to allow us to take a Division on the second reading. I think the fact that the Order is not blocked, that there is no Notice of objection put down, will justify us in pressing the desire in which I heartily join to take a Division on this stage of the Bill.

MR. T. P. O'CONNOR (Liverpool, Scotland): I will not stand between the House and a Division for more than a second or two, but I must express my regret that no Gentleman from the Treasury Bench seems to be in a position to state what is the attitude of the Government towards this Bill. I do not say that as desiring to find fault; but I think this is a question on which we have a right to ask the opinion of the Government. I know that many of my constituents who do not belong to the same persuasion as myself are deeply interested, and it does not raise any Party issues. As to the time of the morning, I do not think there is much force in that objection, for—and I do not refer to that now in any controversial spirit—we know that all the time of the House is taken by the Government for Business they consider necessary; and, unless a Bill of this kind comes forward at an hour such as this, there is no opportunity of discussing it at all. But, late as it is, we have a full House. I have rarely seen so large an attendance at half-past 2 in the morning, and from appearances there does not seem the smallest reason for supposing that either Party is taken at a disadvantage; certainly the Party to which my hon. Friend belongs has no advantage in numbers over his opponent. But, from personal experience, I think hon. Members opposite are much more inclined to take an impartial view of questions at this hour than they are earlier in the Sitting. On one or two occasions when we have had another Bill before the House, we have found hon. Gentlemen opposite willing to desert their own Friends and support a Bill on the Liberal programme. I hope, when the Division is called, hon. Gentlemen on the other side will be true to the assurances they have given, and assist us to remove a small remnant of religious bigotry that does not commend itself to the mind of any reasonable, tolerant man.

MR. O. V. MORGAN (Battersea): I wish to join in the appeal that the Motion may be withdrawn. This is a Bill in which many of my constituents are very much interested, and I happen to know one instance where a congregation found it absolutely impossible to get the land to build a place of worship. They made application for land, but the owner held different religious opinions, and absolutely refused to sell for the purpose. I know that a feeling also exists in favour of the Bill in the neighbouring parish of Clapham, the hon.

Member for which constituency showed a readiness to second the Motion for Adjournment. At half-past 11 to-night the hon. Member for Wandsworth asked me to pair with him, and I agreed, making an exception in favour of this Bill, and it would be hard and unjust to many of us who have waited for the same purpose if the Bill were shelved by adjournment.

Mr. BYRON REED (Bradford, E.): I rise simply for the purpose of appealing to the hon. Member for Oxford University (Mr. J. G. Talbot) and to Her Majesty's Government not to insist on the Motion for Adjournment, but to allow us to decide on the second reading. I think it would be an advantage to the House if the hon. Gentleman opposite in charge of the Bill were allowed to go on with the discussion to-night, and for us to devote a brief space to the discussion of its principle. I, personally, have no wish to take any action that would lead to delaying the Bill, but I know on this side there is a strong feeling of objection to the measure, and some of us are prepared to debate it on its merits if the opportunity is given either to-night or on some other occasion. I appeal now to the hon. Gentleman to withdraw the Motion for Adjournment.

Question put.

The House *divided*:—Ayes 160; Noes 130: Majority 30. [2.30 A.M.]

AYES.

Ainslie, W. G.
Ambrose, W.
Amherst, W. A. T.
Anstruther, Colonel R. H. L.
Ashmead-Bartlett, E.
Baden-Powell, G. S.
Baggallay, E.
Bailey, Sir J. R.
Balfour, G. W.
Bass, H.
Bates, Sir E.
Baumann, A. A.
Beach, W. W. B.
Beadel, W. J.
Bentinck, Lord H. C.
Bentinck, W. G. C.
Beresford, Lord C. W. De la Poer
Bethell, Commander G. R.
Bigwood, J.
Birkbeck, Sir E.
Blundell, Col. H. B. H.
Bond, G. H.
Bonsor, H. C. O.
Borthwick, Sir A.
Bridgeman, Col. hon. F. C.
Bristowe, T. L.
Brodrick, hon. W. St. J. F.
Burghley, Lord
Campbell, J. A.
Charrington, S.
Clarke, Sir E. G.
Commerell, Adml. Sir J. E.
Compton, F.
Cooke, C. W. R.
Corry, Sir J. P.
Cotton, Capt. E. T. D.
Cranborne, Viscount
Cross, H. S.
Davenport, H. T.
Davenport, W. B.
De Cobain, E. S. W.
De Lisle, E. J. L. M. P.
De Worms, Baron H.
Dimsdale, Baron R.
Dorington, Sir J. E.
Douglas, A. Akers-
Dyke, right hon. Sir W. H.
Eaton, H. W.
Edwards-Moss, T. C.
Egerton, hon. A. de T.
Elcho, Lord
Elton, C. I.
Feilden, Lieut.-Gen. R. J.
Fergusson, right hon. Sir J.
Fielden, T.
Finch, G. H.
Fisher, W. H.
Fitzgerald, R. U. P.
Fletcher, Sir H.
Folkestone, right hon. Viscount
Fowler, Sir R. N.
Fraser, General C. C.
Gathorne-Hardy, hon. A. E.
Gent-Davis, R.
Gibson, J. G.
Gilliat, J. S.
Godson, A. F.
Goldsworthy, Major-General W. T.
Gorst, Sir J. E.
Grimston, Viscount
Gunter, Colonel R.
Hall, C.
Halsey, T. F.
Hambro, Col. C. J. T.
Hamilton, Lord E.
Hamilton, Col. C. E.
Hanbury, R. W.
Hankey, F. A.
Hardcastle, E.
Hardcastle, F.
Herbert, hon. S.
Hermon-Hodge, R. T.
Hervey, Lord F.
Hill, right hon. Lord A. W.
Hill, Colonel E. S.
Hoare, S.
Holmes, rt. hon. H.
Houldsworth, W. H.
Hozier, J. H. C.
Hubbard, E.
Hulse, E. H.
Hunt, F. S.
Isaacson, F. W.
Jackson, W. L.
Jarvis, A. W.
Kenyon-Slaney, Col. W.
Kerans, F. H.
King-Harman, right hon. Colonel E. R.
Knowles, L.
Kynoch, G.
Lambert, C.
Lechmere, Sir E. A. H.
Leighton, S.
Lewisham, right hon. Viscount
Long, W. H.
Low, M.
Lowther, hon. W.
Macartney, W. G. E.
Macdonald, right hon. J. H. A.
Maclure, J. W.
M'Calmont, Captain J.
March, Earl of
Marriott, right hon. W. T.
Matthews, rt. hon. H.
Maxwell, Sir H. E.
Mayne, Admiral R. C.
Morgan, hon. F.
Mount, W. G.
Mulholland, H. L.
Murdoch, C. T.
Newark, Viscount
Noble, W.
Northcote, hon. H. S.
Norton, R.
Pelly, Sir L.
Penton, Captain F. T.
Plunket, right hon. D. R.
Price, Captain G. E.
Raikes, rt. hon. H. C.
Rankin, J.
Reed, H. B.
Ridley, Sir M. W.
Ritchie, rt. hon. C. T.
Ross, A. H.
Round, J.
Royden, T. B.
Russell, Sir G.
Saunderson, Col. E. J.
Sidebottom, T. H.
Sidebottom, W.
Smith, rt. hon. W. H.
Smith, A.
Stanley, E. J.
Sykes, C.
Temple, Sir R.
Tomlinson, W. E. M.
Townsend, F.
Trotter, H. J.
Walrond, Col. W. H.
Webster, Sir R. E.
Weymouth, Viscount
White, J. B.
Whitley, E.
Whitmore, C. A.
Wilson, Sir S.
Wood, N.
Wortley, C. B. Stuart-
Wroughton, P.
Young, C. E. B.

TELLERS.

Powell, F. S.
Talbot, J. G.

NOES.

Abraham, W. (Limerick, W.)
Acland, A. H. D.
Agg-Gardner, J. T.
Allison, R. A.
Baird, J. G. A.
Banes, Major G. E.
Barry, A. H. Smith-
Bartley, G. C. T.
Biggar, J. G.

Blane, A.
Bright, W. L.
Burt, T.
Caine, W. S.
Caldwell, J.
Campbell, Sir A.
Campbell, H.
Chance, P. A.
Channing, F. A.
Clancy, J. J.
Cobb, H. P.
Coghill, D. H.
Coleridge, hon. B.
Commins, A.
Connolly, L.
Conway, M.
Conybeare, C. A. V.
Craven, J.
Crilly, D.
Dillon, J.
Dillwyn, L. L.
Ellis, T. E.
Esmonde, Sir T. H. G.
Evelyn, W. J.
Evershed, S.
Eyre, Colonel H.
Fenwick, C.
Finucane, J.
Foster, Sir B. W.
Fox, Dr. J. F.
Gedge, S.
Gill, T. P.
Grey, Sir E.
Grotrian, F. B.
Harrington, E.
Hayden, L. P.
Hayne, C. Seale-
Healy, M.
Healy, T. M.
Holden, I.
Hooper, J.
Hughes, Colonel E.
Hunter, W. A.
Jacoby, J. A.
James, C. H.
Johnston, W.
Joicey, J.
Kelly, J. R.
Kenny, C. S.
Kenny, M. J.
Kenyon, hon. G. T.
Lawson, Sir W.
Lawson, H. L. W.
Lea, T.
Lees, E.
Lewis, T. P.
Lowther, J. W.
Mac Neill, J. G. S.
M'Arthur, A.
M'Arthur, W. A.
M'Cartan, M.
M'Donald, P.
M'Lagan, P.
Maitland, W. F.
Mason, S.
Milvain, T.
Montagu, S.
Morgan, O. V.
Neville, R.
Nolan, Colonel J. P.
Nolan, J.
O'Brien, J. F. X.
O'Brien, P.
O'Brien, P. J.
O'Connor, J. (Kerry)
O'Connor, J. (Tippry.)
O'Connor, T. P.
O'Doherty, J. E.
O'Hanlon, T.
O'Hea, P.
O'Kelly, J.
Paulton, J. M.
Pickersgill, E. H.
Pinkerton, J.
Powell, W. R. H.
Power, P. J.
Power, R.
Price, T. P.
Priestley, B.
Pyne, J. D.
Quinn, T.
Rendel, S.
Roberts, J.
Roberts, J. B.
Rowlands, J.
Rowlands, W. B.
Russell, T. W.
Sexton, T.
Shaw, T.
Sheehan, J. D.
Sheil, E.
Stack, J.
Stanhope, hon. P. J.
Stuart, J.
Sullivan, D.
Sullivan, T. D.
Swetenham, E.
Tanner, C. K.
Tapling, T. K.
Thomas, A.
Tollemache, H. J.
Tuite, J.
Verdin, R.
Wallace, R.
Watt, H.
Williams, A. J.
Williamson, J.
Wilson, H. J.
Wolmer, Viscount
Wright, H. S.
Yeo, F. A.

TELLERS.
Broadhurst, H.
Ellis, J. E.

Debate *adjourned* till *Monday* next.

House adjourned at a quarter before Three o'clock.

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LONDON: CORNELIUS BUCK AND SON, 22, PATERNOSTER ROW, E.C.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCCXV.

SIXTH VOLUME OF SESSION 1887.

Explanation of the Abbreviations.

Bills, Read 1°, 2°, 3°, or 1^{a}, 2^{a}, 3^{a}, Read the First, Second, or Third Time.—In Speeches 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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(*Mr. Secretary Matthews, Mr. Stuart-Wortley*)
c. Committee deferred *May* 16, 226 [Bill 130]

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Colonial Service (Pensions) Bill
(*The Earl of Onslow*)
l. Read 2^{a}, after short debate *May* 20, 642 (No. 98)

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(*Mr. Stuart-Wortley, Mr. Secretary Matthews*)
c. Report * *May* 19 [Bill 237]
Considered * *May* 20
Read 3^{o} *May* 23
l. Read 1^{a} * (*E. Brownlow*) *May* 23 (No. 108)
Read 2^{a} * *June* 13

Commons Regulation (Laindon) Provisional Order Bill
(*Mr. Stuart-Wortley, Mr. Secretary Matthews*)
c. Report * *May* 19 [Bill 238]
Read 3^{o} * *May* 20
l. Read 1^{a} * (*E. Brownlow*) *May* 21 (No. 107)
Read 2^{a} * *June* 13

Conveyancing (Scotland) Acts Amendment Bill (*The Lord Advocate, Mr. Solicitor General for Scotland*)
c. Ordered ; read 1^{o} * *May* 20 [Bill 270]
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(*Mr. Rankin, Sir Joseph R. Bailey, Mr. H. T. Davenport, Mr. Williamson*)
c. Order for 2R. discharged; Bill withdrawn *June* 6, 1204 [Bill 91]

Corry, Sir J. P., *Armagh, Mid*
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(*The Lord Chancellor*)
l. Read 2ª * *May* 17 (No. 78)
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Crawford, Mr. D., *Lanark, N.E.*
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(*Mr. Arthur Balfour, Mr. Secretary Matthews, Mr. Attorney General, Mr. Attorney General for Ireland*) [Bill 217]
c. Committee [Eighth Night]—R.P. *May* 17, 259
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Committee [Tenth Night]—R.P. *May* 19, 540
Committee [Eleventh Night]—R.P. *May* 20, 731
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Committee [Thirteenth Night]—R.P. *June* 7, 1233
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Moved, "That this House will, To-morrow, again resolve itself into the said Committee," 1553
Amendt. to leave out "To-morrow," insert "on Monday next" (*Mr. T. M. Healy*); Question proposed, "That 'To-morrow' &c;" after short debate, Amendt. withdrawn
Main Question put, and agreed to
Order for Committee read; Moved, "That this House will, upon Monday next, resolve itself into the Committee on the Bill" *June* 10, 1674
Amendt. to leave out "upon Monday next," insert "To-morrow" (*Mr. T. M. Healy*) Question proposed, "That 'upon Monday next' &c.;" after short debate, Moved, "That the Question be now put" (*Mr. W. H. Smith*) Question put; A. 202, N. 73; M. 129; (D. L. 221) [2.10 A.M]
Question put, "That this House, &c;" A. 203, N. 72; M. 131 (D. L. 222) [2.25 A.M]
Committee [Sixteenth Night]—R.P. *June* 13, 1745
[See title — *Parliament — Business of the House*]

Criminal Law Amendment (Ireland) [Expenses]
Moved, "That this House will, To-morrow, resolve itself into a Committee to consider of authorising the payment, out of moneys to be provided by Parliament, of any allowances that may be made, and Expenses that may be incurred, under the provisions of any Act of the present Session to make better provision for the prevention and punishment of Crime in Ireland, and for other purposes relating thereto" (Queen's *Recommendation* signified) (*Mr. Jackson*) *June* 9, 1560; after short debate, Question put; A. 111, N. 48; M. 63 (D. L. 213)
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June* 13, 1839; after short debate, Question put and agreed to; Matter considered in Committee
Moved, "That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of any allowances that may be made, and Expenses that may be incurred, [*cont.*

Criminal Law Amendment (Ireland) [Expenses]—cont.
under the provisions of any Act of the present Session to make better provision for the prevention and punishment of Crime in Ireland (*Mr. A. J. Balfour*), 1841; after short debate, Question put, and agreed to

Crofters' Holdings (Scotland) Bill [H.L.]
(*The Marquess of Lothian*)
l. Read 2ª, after short debate *May* 17, 238 (No. 90)
Committee *; Report *May* 20
Read 3ª * *May* 23
c. Read 1º * (*The Lord Advocate*) *June* 13 [Bill 287]

Crofters' Holdings (Scotland) Act (1886) Amendment (No. 3) Bill
Mr. Angus Sutherland, Dr. M'Donald, Mr. Haldane, Mr. Shaw Lefevre, Mr. Lyell, Colonel Duncan, Mr. James Stuart, Mr. Chance)
c. Bill withdrawn * *June* 7 [Bill 219]

Cross, Viscount (Secretary of State for India)
Asia (Central)—Affairs of Afghanistan, 1678
India—Land Acquisition Act—Expropriation of Zemindars at Arni Ghat, Mussoorie, 11

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Crossman, Major General Sir W., *Portsmouth*
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Currency, The
French and Italian Copper Coins, Question, Mr. Montagu; Answer, The Chancellor of the Exchequer (Mr. Goschen) *June* 13, 1721
The Silver Coinage, Questions, Mr. E. Hardcastle, Mr. Dillon; Answers, The Chancellor of the Exchequer (Mr. Goschen) *May* 23, 873
The New Coinage, Question, Mr. W. Beckett; Answer, the Chancellor of the Exchequer (Mr. Goschen) *June* 10, 1589

Customs and Inland Revenue Bill
(*Mr. Courtney, Mr. Chancellor of the Exchequer, Mr. Jackson*)
c. Question, Mr. Dillon; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *May* 16, 68
c. Read 2º, after debate *June* 6, 1184 [Bill 241]

Customs Consolidation Acts (1876) Amendment Bill
(*Lord Brabourne*)
l. Royal Assent *May* 23 [50 *Vict.* c. 7]

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De Cobain, Mr. E. S. W., *Belfast, E.*
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Deeds of Arrangement Registration Bill
(*Sir Bernhard Samuelson, Mr. Howard Vincent, Sir John Lubbock, Mr. Coddington, Mr. Lawson, Sir Albert Rollit*)
c. Committee—R.P. *May* 20, 815 [Bill 231]
Committee; Report *June* 7, 1340

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De Lisle, Mr. E. J. L. M. P., *Leicestershire, Mid*
Supply—Revenue Departments—Post Office Telegraph Services, 1182

De Vesci, Viscount
Irish Land Law, Comm. *cl.* 17, 46; *cl.* 20, Amendt. 1684; *cl.* 22, Amendt. 1700

De Worms, Baron H. (Secretary to the Board of Trade), *Liverpool, East Toxteth*
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Dixon-Hartland, Mr. F. D., *Middlesex, Uxbridge*
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Dodds, Mr. J., *Stockton*
Criminal Law Amendment (Ireland), Comm. *cl.* 1, 396, 397
Jubilee Year of Her Majesty's Reign, Celebration of, in London, 728
Midland Great Western Railway of Ireland 3R. 493

Dog Owners Bill [H.L.]
(*The Lord Mount-Temple*)
l. 2R. negatived, after short debate *June* 10, 1562 (No. 91)

Dogs, Rabies in
Moved, "That a Select Committee be appointed to inquire into and report upon the subject of rabies in dogs, and the laws applicable thereto" (*The Lord President*) *May* 17, 246 ; Motion agreed to

Douglas, Mr. A. Akers- (Secretary to the Treasury), *Kent, St. Augustine's*
Criminal Law Amendment (Ireland), Comm. *cl.* 2, 991, 992
Jubilee Thanksgiving Service (Westminster Abbey), 906
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Duff, Mr. R. W., *Banffshire*
Harbour Loans—Memorandum of the Board of Trade, 1420

Duke of Connaught's Leave Bill
(*Mr. William Henry Smith, Mr. Secretary Stanhope, Sir John Gorst*)
c. Committee ; Report ; read 3° *May* 20, 788 [Bill 228]
l. Read 1ª * ; read 2ª ; Committee negatived ; read 3ª *May* 21
Royal Assent *May* 23 [50 *Vict.* c. 10]

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Dunraven, Earl of
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Dyke, Right Hon. Sir W. H. (Vice President of the Committee of Council on Education), *Kent, Dartford*
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East India Stock Conversion Bill
(*Sir John Gorst, Mr. Jackson*)
c. Read 2° * *May* 16 [Bill 263]
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Bill re-committed ; Committee ; Report *May* 19, 623 [Bill 267]
Considered ; read 3° *May* 20, 789
l. Read 1ª * ; read 2ª ; Committee negatived ; read 3ª *May* 21
Royal Assent *May* 23 [50 *Vict.* c. 11]

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Bradford School Board, Question, Mr. J. G. Talbot ; Answer, The Vice President of the Council (Sir William Hart Dyke) *May* 19, 508
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Education Acts, The Royal Commission on the, Question, Mr. Hanbury ; Answer, The Vice President of the Council (Sir William Hart Dyke) *May* 20, 713
Elementary Schools, Drawing in, Question, Mr. Conway ; Answer, The Vice President of the Council (Sir William Hart Dyke) *June* 7, 1227
Exeter Training College, The Recent Disturbances at, Question, Mr. Sydney Buxton ; Answer, The Vice President of the Council (Sir William Hart Dyke) *May* 23, 876
Vacant Building Land in Victoria Street, Westminster, Question, Mr. Bartley ; Answer, The Vice President of the Council (Sir William Hart Dyke) *May* 23, 865

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Finance, &c.—An "Unacknowledged Floating Debt," Question, Mr. Baden-Powell ; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 17, 251
The Soudan—The Arabs of Suakin, Question, Mr. Dillon ; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *June* 7, 1219
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The Negotiations—Evacuation by the British, Question, Mr. W. Redmond ; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 16, 62
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1232; Observations, Question, The Earl of Carnarvon; Reply, The Prime Minister and Secretary of State for Foreign Affairs (The Marquess of Salisbury); Questions, The Earl of Kimberley; Answers, The Marquess of Salisbury *June* 10, 1564

Elementary Education Provisional Order Confirmation (Christchurch) Bill [H.L.]
(*The Lord President*)
l. Read 2ª * *June* 10 (No. 92)

Elementary Education Provisional Order Confirmation (London) Bill [H.L.]
(*The Lord President*)
l. Read 2ª * *June* 10 (No. 94)

Elementary Education Provisional Order Confirmation (Middleton St. George) Bill [H.L.] (*The Lord President*)
l. Read 2ª * *June* 10 (No. 93)

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- Coal Mines, &c. Regulation, Comm. 226
- Criminal Law Amendment (Ireland), Comm. *cl.* 4, Amendt. 1540, 1541
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  - Evictions—Statistics, 1720
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- Ireland—Evictions—Violent Conduct of an "Emergency Man" at Monkstown, Co. Cork, 495, 496, 877, 1417, 1418
  - Fishery Piers and Harbours—Additional Accommodation in the West of Ireland, 1590

Houldsworth, Mr. W. H., *Manchester, N.W.*
- Manchester Ship Canal, Motion for Leave, 1346, 1347, 1350; 2R. 1709, 1714, 1760

Howell, Mr. G., *Bethnal Green, N.E.*
- Over Darwen Corporation, Consid. 493; Amendt. 494

Hoyle, Mr. I., *Lancashire, S.E., Heywood*
- Poor Law—Parochial Relief, 1886—Statistics, 1719

Hozier, Mr. J. H. C., *Lanarkshire, S.*
- Trusts (Scotland) Act (1867) Amendment, Comm. *cl.* 2, Amendt. 1203; *add. cl.* Amendt. 1204

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- Wales—Anti-Tithe League, 895

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- Admiralty—Conversion of the Royal Marine Artillery into Marine Infantry, 254
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- War Office (Ordnance Department)—Captain Horton, Inspector of Saddlery at Woolwich, 60
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- Criminal Law Amendment (Ireland), Comm. *cl.* 2, 765, 949
- Jubilee Thanksgiving Service (Westminster Abbey) — Royal Procession — Post Offices along the Route, 1740

Hyde Park Corner (New Streets) Bill
(*The Lord Henniker*)
- *l.* Committee *May* 23, 820 (No. 79)
- Moved, "To disagree to the Amendts. proposed by the Select Committee" (*The Lord Henniker*); Motion agreed to; Amendts. negatived; Bill reported
- Read 3ª * *June* 9

Illingworth, Mr. A., *Bradford, W.*
- Criminal Law Amendment (Ireland), Comm. *cl.* 2, 925
- Municipal Corporations Acts (Ireland) Amendment (No. 2), Comm. *add. cl.* 812
- Public Parks and Works (Metropolis), 2R. 793
- Supply—Civil Services and Revenue Departments, 206, 219, 220, 222

Immigration of Destitute Foreigners
- Questions, Mr. J. G. Talbot, Mr. T. P. Gill; Answers, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 19, 514; Question, Mr. Munro-Ferguson; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *May* 19, 520

Imperial Defences—King George's Sound—The Colonial Conference
- Question, Mr. Baden-Powell; Answer, The Secretary of State for War (Mr. E. Stanhope) *June* 9, 1435

Inchiquin, Lord
Irish Land Law, Comm. 12; *cl.* 4, 32; *cl.* 5, 35; *cl.* 6, Amendt. *ib.*; *cl.* 20, 1682

Incumbents of Benefices Loans Extension Act (1886) Amendment Bill [H.L.]
(*The Duke of Buckingham and Chandos*)
l. Royal Assent *May* 23 [50 *Vict.* c. 8]

Incumbents' Resignation Act (1871) Amendment Bill [H.L.]
(*The Duke of Buckingham and Chandos*)
l. Presented; read 1ª * *May* 17 (No. 104)

India—Secretary of State (*see* Cross, Viscount)

India—Under Secretary of State (*see* Gorst, Sir J. E.)

India (*Questions*)
Bengal—Manufacture of Spirits, Question, Mr. S. Smith; Answer, The Under Secretary of State for India (Sir John Gorst) *May* 20, 715
Pisheen Valley Railroad, The, Question, Mr. Munro-Ferguson; Answer, The Under Secretary of State for India (Sir John Gorst) *June* 7, 1225
Public Service, Admission of Natives and Europeans to the, Question, Mr. King; Answer, The Under Secretary of State for India (Sir John Gorst) *May* 20, 715
Public Service Commission, The—The Uncovenanted Civil Service, Question, Mr. King; Answer, The Under Secretary of State for India (Sir John Gorst) *June* 10, 1582
Sanitation, Question, Mr. Kenyon; Answer, The Under Secretary of State for India (Sir John Gorst) *June* 13, 1738

India—The Land Acquisition Act—Expropriation of Zemindars at Arni Ghat, Mussoorie
Moved, for a "Copy of Sir Alfred Lyall's Resolution on the judgment of the Chief Justice" (*The Lord Stanley of Alderley*) *May* 16, 5; after short debate, Motion withdrawn

Intermediate Education (Wales) (No. 2) Bill (*Mr. Mundella, Mr. Osborne Morgan, Mr. Richard, Sir Hussey Vivian, Mr. Rathbone, Mr. Stuart Rendel, Mr. William Abraham*)
c. Ordered; read 1º * *June* 7 [Bill 285]

Ireland (*Questions*)
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Emigration from Ireland, Question, Mr. W. A. Macdonald; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) *May* 19, 512
Refusal of the Authorities at New York to allow Emigrants to Land, Question, Mr. T. P. O'Connor; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) *May* 24, 1030
Intoxicating Liquors (Ireland) Act, Section 8—Fine on an Hotel Keeper for Exhibiting a Political Banner, Question, Mr. J. E. Ellis; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) *May* 19, 495
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Granard Guardians, Question, Mr. T. M. Healy; Answer, The Parliamentary Under Secretary for Ireland (Colonel King-Harman) *May* 23, 864

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l. Committee ; Report ; Bill re-committed *May* 17, 233 (No. 105)

Law Agents (Scotland) Act (1873) Amendment Bill (*Mr. J. B. Balfour, Sir Lyon Playfair, Dr. Cameron, Mr. Haldane, Mr. Edmund Robertson*)
c. Ordered ; read 1° * *June* 7 [Bill 284]

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  Criminal Law Amendment (Ireland), Comm *cl.* 2, 1009

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Lieutenancy Clerks Allowances Bill
(*Mr. Brodrick, Mr. Secretary Stanhope, Mr. Northcote*)
c. Ordered; read 1° * *May* 23 [Bill 274]

Lighthouse Illuminants — The Trinity House Report
Question, Mr. T. W. Russell; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *June* 13, 1726

Lighthouses and Lightships—Telegraphic Communication — Lord Crawford's Committee—Tory Island
Question, Lord Ernest Hamilton; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *May* 20, 710

Literature, Science, and Art—The National Portrait Gallery
Observations, Lord Lamington; Reply, Lord Henniker; short debate thereon *May* 20, 643

LOCAL GOVERNMENT BOARD—President (*see* RITCHIE, Right Hon. C. T.)

Local Government (Ireland) Provisional Orders (Ballyshannon, &c.) Bill
(*Colonel King-Harman*)
c. Ordered; read 1° * *May* 23 [Bill 272]

Local Government (Ireland) Provisional Order (Killiney and Ballybrack) Bill
(*Colonel King-Harman, Mr. Balfour*)
c. Ordered; read 1° * *May* 24 [Bill 275]

Local Government Provisional Orders (Gas) Bill (*Mr. Long, Mr. Ritchie*)
c. Report *; read 3° *June* 9 [Bill 259]
Read 3° * *June* 10
l. Read 1ª * (*Earl Brownlow*) *June* 13 (No. 119)

Local Government Provisional Orders Bill (*Lord Balfour*)
l. Royal Assent *May* 23 [50 *Vict.* c. xlix]

Local Government Provisional Orders (No. 2) Bill (*Mr. Long, Mr. Ritchie*)
c. Read 2° * *May* 17 [Bill 261]
Report * *June* 9
Read 3° * *June* 10
l. Read 1ª * (*Earl Brownlow*) *June* 13 (No. 120)

Local Government Provisional Orders (No. 3) Bill (*Mr. Long, Mr. Ritchie*)
c. Ordered; read 1° * *May* 18 [Bill 268]
Read 2° * *June* 7

Local Government Provisional Orders (No. 4) Bill (*Mr. Long, Mr. Ritchie*)
c. Ordered; read 1° * *May* 20 [Bill 269]
Read 2° * *June* 7

Local Government Provisional Orders (No. 5) Bill (*Mr. Long, Mr. Ritchie*)
c. Ordered; read 1° * *June* 7 [Bill 280]

Local Government Provisional Orders (No. 6) Bill (*Mr. Long, Mr. Ritchie*)
c. Ordered; read 1° * *June* 7 [Bill 281]

Local Government Provisional Orders (No. 7) Bill (*Mr. Long, Mr. Ritchie*)
c. Ordered; read 1° * *June* 7 [Bill 282]

Local Government Provisional Orders (No. 8) Bill (*Mr. Long, Mr. Ritchie*)
c. Ordered; read 1° * *June* 8 [Bill 286]

Local Government Provisional Order (Highways) Bill (*Lord Balfour*)
l. Read 2ª * *May* 17 (No. 87)
Committee *; Report *May* 20
Read 3ª * *May* 23

Local Government Provisional Orders (Poor Law) Bill (*Lord Balfour*)
l. Read 2ª * *May* 17 (No. 88)
Committee *; Report *May* 20
Read 3ª * *May* 23

Local Government Provisional Orders (Poor Law) (No. 2) Bill (*Lord Balfour*)
l. Read 2ª * *May* 17 (No. 89)
Committee *; Report *May* 20
Read 3ª * *May* 23

Local Government Provisional Orders (Poor Law) (No. 3) Bill (*Mr. Long, Mr. Ritchie*)
c. Read 2° * *May* 17 [Bill 260]
Report * *June* 9
Read 3° * *June* 10
l. Read 1ª * (*E. Brownlow*) *June* 13 (No. 118)

LONDON, Bishop of
Tithe Rent-Charge, Comm. *cl.* 2, 840; *cl.* 7, Amendt. 846; *cl.* 8, *ib.*; Report, *cl.* 9, Amendt. 1575

London Corporation (Charges of Malversation)
Question, Mr. Bradlaugh; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *May* 23, 893

LORD ADVOCATE, The (*see* MACDONALD, Right Hon. J. H. A.)

LORD LIEUTENANT OF IRELAND — Chief Secretary to the (*see* BALFOUR, Right Hon. A. J.)

LORD LIEUTENANT OF IRELAND—Parliamentary Under Secretary to the (*see* KING-HARMAN, Right Hon. Colonel E. R.)

Loss of Life at Sea—Report of the Royal Commission
Question, Mr. Grotrian; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *May* 20, 723

LOTHIAN, Marquess of (Secretary for Scotland)
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LOWTHER, Hon. W., *Westmoreland, Appleby*
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Lunacy Districts (Scotland) Bill [H.L.] (*The Marquess of Lothian*)
l. Read 2ª *May* 20, 634 (No. 82)

MCARTHUR, Mr. A., *Leicester*
Places of Worship (Sites), 2R. 1849

MCARTHUR, Mr. W. A., *Cornwall, St. Austell*
Criminal Law Amendment (Ireland), Comm. *cl.* 3, Amendt. 1252, 1253, 1255

MACARTNEY, Mr. W. G. E., *Antrim, S.*
Municipal Corporations Acts (Ireland) Amendment (No. 2), Comm. *cl.* 1, 632, 633

MCCARTAN, Mr. M., *Down, S.*
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M'CARTHY, Mr. Justin, *Londonderry*
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McDONALD, Mr. P., *Sligo, N.*
Great Eastern Railway, Consid. 703
Ireland — Land Commission Court — John Smith, of Currembla, Co. Sligo, 867, 868
Public Works—Government Subvention of £50,000 — Arterial Drainage (Barrow Valley, &c. Drainage), 1427
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McDONALD, Dr. R., *Ross and Cromarty*
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MACDONALD, Mr. W. A., *Queen's Co., Ossory*
Ireland, Emigration from, 512, 513
Evictions on Lord Kenmare's Estate, Killarney, 1735, 1737

McGAREL-HOGG, Sir J. M. (Chairman of the Metropolitan Board of Works), *Middlesex, Hornsey*
Public Parks and Works (Metropolis), 2R. 792

MACKINTOSH, Mr. C. FRASER-, *Inverness-shire*
Scotland—Education Act, 1878—Certificates of Births, 1722
Law and Justice—Angus MacLauchlan, 1722
Supply—Revenue Departments—Post Office Services, Post Office Savings Banks, &c. 1141

MACNAGHTEN, Lord
Irish Land Law, Comm. *cl.* 1, 20, 36

MAC NEILL, Mr. J. G. S., *Donegal, S.*
Criminal Law Amendment (Ireland), Comm. *cl.* 3, 1249; Amendt. 1288, 1292; *cl.* 4, Amendt. 1445, 1446, 1533; *cl.* 5, 1746
Ireland—Post Office—Conveyance of Mails in the North of Ireland, 1739

Madagascar—Capture of Natives by the French and transport to Réunion
Question, Mr. Atkinson; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 23, 877

MALLOCK, Mr. R., *Devon, Torquay*
Army Estimates—Provisions, Forage, &c. 127

Manchester Ship Canal Bill (by Order)
c. Moved, "That the Standing Orders be suspended, and that leave be given to bring in a Bill to enable the Manchester Ship Canal Company to raise a portion of their capital by means of preference shares, and that Mr. Houldsworth, Mr. Jacob Bright, Sir James Fergusson, Sir Henry Roscoe, the Honourable Alan de Tatton Egerton, Mr. Addison, and Mr. Elliott Lees do prepare and bring it in" (*Mr. Houldsworth*) *June* 8, 1346; after short debate, Question put, and agreed to
Moved, "That the Standing Orders be suspended, and that the Bill be now read 1°" (*Mr. Houldsworth*); Question put, and agreed to; Bill read 1°
Moved, "That Standing Orders 62, 204, 223, and 235 be suspended, and that the Bill be now read 2°" (*Mr. Houldsworth*); after short debate, Debate adjourned
Debate resumed *June* 13, 1706; Amendt. after "Standing Orders," add "204 and 235 be suspended, and that the Bill be referred to the Examiners of Petitions for Private Bills" (*Mr. Sclater-Booth*); Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn; Amendt. made, by leaving out 204 and 223; Main Question, as amended, put and agreed to
Ordered, That Standing Orders 62 and 235 be suspended; Bill read 2°

MANNERS, Right Hon. Lord J. J. R. (Chancellor of the Duchy of Lancaster), *Leicestershire, E.*
Agricultural Department — Scarlatina — Dr. Klein's Milk Theory, 1721

Market Tolls, The Select Committee on—Nomination of the Committee
Question, Mr. T. M. Healy; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *June* 7, 1232

MARLBOROUGH, Duke of
Tithe Rent-Charge, Comm. *cl.* 1, Amendt. 839

Marriage Laws — The Rector of Much Woolton, Liverpool
Question, Mr. E. R. Russell; Answer, The Under Secretary of State for the Home Department (Mr. Stuart-Wortley) *May* 23, 860

MARUM, Mr. E. P. M., *Kilkenny, N.*
Criminal Law Amendment (Ireland), Comm. *cl.* 2, Amendt. 783, 786, 787, 909

MASON, Mr. S., *Lanark, Mid*
Admiralty—Supply of Welsh Coal to Her Majesty's Ships at Queensferry, 725, 726
Army and Navy Estimates, Nomination of Select Committee, 903; Amendt. 1205
Coal Mines—Colliery Accident in Lanarkshire, 1436
Udston Colliery Accident, 1077
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Parliament—Business of the House—Coal Mines, &c. Regulation, 1437, 1438, 1593

MATTHEWS, Right Hon. H. (Secretary of State for the Home Department), *Birmingham, E.*
Coal Mines—Questions
Colliery Accident at Motherwell, 1352
Colliery Accident in Lanarkshire, 1436
Udston Colliery Accident, 1077, 1078, 1440
Employers' Liability Act — Renewal and Amendment, 1220
Employers' Liability Act (1880) Amendment, 2R. 1415
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Magistracy (England and Wales) — Lords Lieutenant of Counties, 1428
Nonconformist Magistrates in Flintshire, 1027
Metropolitan Police—Questions
New Station on the Thames Embankment, 1582
Sergeant Murphy, 1229, 1724
Superintendents' Divisional Reports for 1886, 1590
Metropolitan Police Courts—Hammersmith and Wandsworth District, 1728

MAXWELL, Sir H. E. (A Lord of the Treasury), *Wigton*
"Board of Trade Journal"—Advertisements, 1728

MAYNE, Admiral R. C., *Pembroke and Haverfordwest*
Admiralty—Sheers at Pembroke Dockyard, 885
Criminal Law Amendment (Ireland), Comm. *cl.* 2, 1017

MAYNE, Mr. T., *Tipperary, Mid*
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Merchant Shipping
Hours of Unloading, Question, Mr. Atkinson; Answer, The Secretary to the Treasury (Mr. Jackson) *May* 19, 519
Loss of the S.S. "Carmona," Question, Mr. Edwards-Moss; Answer, The Secretary to the Board of Trade (Baron Henry De Worms) *May* 23, 870
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Metropolis
Metropolitan District—Deaths from Starvation and Privation, Question, Mr. J. G. Talbot; Answer, The President of the Local Government Board (Mr. Ritchie) *May* 19, 514
The Parks—Constitution Hill, Questions, Mr. Lawson; Answers, The First Commissioner of Works (Mr. Plunket) *May* 23, 855
Enclosures in Regent's Park, Question, Mr. Lawson; Answer, The First Commissioner of Works (Mr. Plunket) *June* 7, 1224
[See title *Royal Parks and Pleasure Gardens*]

Metropolis (Cable Street, Shadwell) Provisional Order Bill
(*Mr. Stuart-Wortley, Mr. Secretary Matthews*)
c. Ordered; read 1° * *June* 6 [Bill 277]

Metropolis Management (Battersea and Westminster) Bill (*Earl Fortescue*)
l. Read 1ª* *May* 16 (No. 101)

Metropolis (Shelton Street, St. Giles) Provisional Order Bill
(*Mr. Stuart-Wortley, Mr. Secretary Matthews*)
c. Ordered; read 1° * *June* 6 [Bill 278]

Metropolitan Police
Duties of the Police Serving in the House of Commons, Questions, Mr. O'Hanlon; Answers, The Under Secretary of State for the Home Department (Mr. Stuart-Wortley) *May* 20, 717; *May* 23, 880; Question, Mr. Gent-Davis; Answer, The Under Secretary of State for the Home Department (Mr. Stuart-Wortley) *May* 23, 883;—*Extra Duty of the "A" Division,* Question, Mr. Channing; Answer, The Under Secretary of State for the Home Department (Mr. Stuart-Wortley) *May* 23, 868
New Station on the Thames Embankment, Question, Mr. W. L. Bright; Answer, The Secretary of State for the Home Department (Mr. Matthews) *June* 10, 1582
Police Courts—The Hammersmith and Wandsworth Districts, Question, Mr. O. V. Morgan; Answer, The Secretary of State for the Home Department (Mr. Matthews) *June* 13, 1728
Return of Constables Dismissed and Reduced, Questions, Mr. Labouchere; Answers, The Under Secretary of State for the Home Department (Mr. Stuart-Wortley) *May* 19, 500
Sergeant Murphy, Question, Mr. Conybeare; Answer, The Secretary of State for the Home Department (Mr. Matthews) *June* 7, 1229; Question, Captain Price; Answer, The Secretary of State for the Home Department (Mr. Matthews) *June* 13, 1724
Superintendents' Divisional Reports for 1886, Question, Mr. Pickersgill; Answer, The Secretary of State for the Home Department (Mr. Matthews) *June* 10, 1589

Metropolitan Police Provisional Order Bill (*Earl Beauchamp*)
l. Royal Assent *May* 23 [50 *Vict.* c. xxxi]

Midland Great Western Railway of Ireland Bill (*by Order*)
c. 3R. deferred, after short debate *May* 19, 491
Read 3°, after short debate *May* 20, 647

Midleton, Viscount
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Molloy, Mr. B. C., *King's Co., Birr*
Army Estimates—Provisions, Forage, &c., Amendt. 124, 132
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First Offenders, Consid. *add. cl.* 804
Parliament—Business of the House (Procedure on the Criminal Law Amendment (Ireland) Bill), Res. 1637
Supply—Revenue Departments—Post Office Services, Post Office Savings Banks, &c. 1127
  Post Office Telegraph Services, 1165, 1170

Monk-Bretton, Lord
Tithe Rent-Charge, Comm. *cl.* 3, 845

Montagu, Mr. S., *Tower Hamlets, Whitechapel*
"Board of Trade Journal"—Contract for Advertisements, 879, 1727
Currency—French and Italian Copper Coins, 1721
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Supply—Civil Services and Revenue Departments, 145

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Morgan, Right Hon. G. Osborne, *Denbighshire, E.*
Africa (South)—Annexations in Zululand, 502, 535
Criminal Law Amendment (Ireland), Comm. *cl.* 3, 1368 ; *cl.* 4, 1467
Ireland—Law and Justice—Barbavilla Prisoners, 1050
Law and Justice—Flintshire Magistracy, 67, 1047

Morgan, Mr. O. V., *Battersea*
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Places of Worship (Sites), 2R. 1850
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Morley, Right Hon. J., *Newcastle-upon-Tyne*
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Mount-Temple, Lord
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Parliament—Palace of Westminster—Central Hall—Position of the Statue of the late Earl of Iddesleigh, 1577
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Mowbray, Right Hon. Sir J. R., *Oxford University*
Manchester Ship Canal, 2R. 1715

Mundella, Right Hon. A. J., *Sheffield, Brightside*
Deeds of Arrangement Registration, Comm. *cl.* 11, 1340
War Office—Contracts, 1733

Municipal Corporations Acts (Ireland) Amendment (No. 2) Bill (*Sir James Corry, Mr. Ewart, Mr. Johnston*)
c. Committee—R.P. *May* 19, 627 [Bill 176]
Committee ; Report *May* 20, 805 ; Moved, "That the Bill be taken into Consideration, as amended, on Monday, 6th June" (*Sir James Corry*), 814 ; Amendt. to leave out "6th June," add "next" (*Mr. Sexton*) ; Question proposed, "That '6th June,' &c. ;" after short debate, Question put, and negatived ; Question, "That 'next' be there added," put, and agreed to ; Main Question, as amended, put, and agreed to
Consideration, as amended, deferred *May* 23, 1026
Considered ; read 3° *June* 9, 1554
l. Read 1ª * (*E. Erne*) *June* 10 (No. 116)

Municipal Regulation (Constabulary &c.) (Belfast) Bill
c. Motion for Leave (*Colonel King-Harman*) *May* 23, 1026; after short debate, Motion postponed

MURPHY, Mr. W. M., *Dublin, St. Patrick's*
Criminal Law Amendment (Ireland), Comm. *cl.* 1, 399
Ireland—Law and Justice—Imprisonment of Michael Spillane, 707
The Brothers Howard, Imprisoned for Contempt of Court, 706
Open Spaces (Dublin), 2R. 232
Supply, Report, 405

National Debt and Local Loans Bill
(*Mr. Chancellor of the Exchequer, Mr. Jackson*)
c. Ordered; read 1° * *May* 16 [Bill 266]
Read 2° * *June* 6

NAVY (*Questions*)
Conversion of the Royal Marine Artillery into Marine Infantry, Question, Colonel Hughes-Hallett; Answer, The First Lord of the Admiralty (Lord George Hamilton) *May* 17, 254
Departmental Committee on the Clerical Establishments, Questions, Mr. Arthur O'Connor; Answers, The First Lord of the Admiralty (Lord George Hamilton) *May* 23, 900
Explosion on Board H.M.S. "Rupert" at Hull, Question, Mr. C. H. Wilson; Answer, The Secretary to the Admiralty (Mr. Forwood) *June* 10, 1581
Permanent Financial Control, Question, Sir William Plowden; Answer, The First Lord of the Admiralty (Lord George Hamilton) *May* 23, 855
Police Fine on a Naval Lieutenant, Question, Mr. Cunninghame Graham; Answer, The First Lord of the Admiralty (Lord George Hamilton) *May* 16, 59
Special Naval Pension to Widow of Staff Commander W. M. Savage, Question, Mr. Norris; Answer, The First Lord of the Admiralty (Lord George Hamilton) *May* 23, 872
Supply of Welsh Coal to Her Majesty's Ships at Queensferry, Questions, Mr. Mason; Answers, The First Lord of the Admiralty (Lord George Hamilton) *May* 20, 725

The Dockyards
Gratuities to Discharged Workmen, Question, Mr. J. O'Connor (Tipperary, S.); Answer, The First Lord of the Admiralty (Lord George Hamilton) *May* 20, 713
Sheers at Pembroke Dockyard, Question, Admiral Mayne; Answer, The First Lord of the Admiralty (Lord George Hamilton) *May* 23, 885

NEWNES, Mr. G., *Cambridge, E., Newmarket*
Parish Allotments Committees, 2R. 229

NOLAN, Colonel J. P., *Galway, N.*
Army Estimates—Provisions, Forage, &c. 116, 118
Commissioners of Irish Lights—Lighthouse Keepers and their Families, 888
Criminal Law Amendment (Ireland), Comm. *cl.* 1, 367; *cl.* 2, 447, 488, 489, 599, 932; *cl.* 3, 1282, 1283; *cl.* 4, 1507
Municipal Corporations Acts (Ireland) Amendment (No. 2), Comm. *cl.* 1, 632
Parliament—Business of the House (Procedure on the Criminal Law Amendment (Ireland) Bill), Res. 1641
Places of Worship (Sites), 2R. 1848
Supply—Revenue Departments—Post Office Services, Post Office Savings Banks, &c. 1154, 1158
Vaccination—Action of the Compulsory Law of Vaccination, 1054

NORRIS, Mr. E. S., *Tower Hamlets, Limehouse*
Admiralty—Special Naval Pension to Widow of Staff Commander W. M. Savage, 872

North American Fisheries—Canada and the United States—The Fishery Disputes—A New Commission
Question, Mr. Gourley; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 23, 854; Questions, Mr. Gourley; Answers, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *June* 9, 1417
[See titles *Canada—United States*]

North Borneo — Operations against the Natives at Darvel Bay—H.M.S. "Zephyr"
Question, Sir George Campbell; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 23, 871; Question, Mr. W. J. Corbet; Answer, The First Lord of the Admiralty (Lord George Hamilton) *May* 23, 881

NORTHBROOK, Earl of
Irish Land Law, Comm. *cl.* 21, 1693
Scotland—Hillhead and Kelvinside (Annexation to Glasgow)—The Botanic Gardens and the University, 639

NORTHCOTE, Hon. H. S. (Surveyor General of Ordnance), *Exeter*
Africa (South)—Sir Charles Warren's Bechuanaland Expedition, 1734
Army—Cadets of the Royal Military Academy at Aldershot, 1723
Army Estimates—Provisions, Forage, &c. 75
War Office—Questions
  Contracts, 1733
  Corporation Road round the Citadel Fort, Plymouth, 725
  Insanitary Condition of Dover Barracks (Fort Burgoyne), 250, 1729
  Regimental Transport at Aldershot — General Service Waggons, 706
  Report of the Ordnance Inquiry Commission, 1735

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Northcote, Hon. H. S.—*cont.*
- Skilled and Ordinary Workmen at Enfield, 63
- War Office—Ordnance Department—Questions
  - Captain Horton, Inspector of Saddlery at Woolwich, 60
  - Colonel Maitland, Superintendent of Gun Factory, Woolwich, 709
  - Experimental Wire Guns, 1724
  - 43-Ton Gun, 1432

North Sea Fisheries Convention, 1882—*The East Coast Drift Net Fisheries*
- Question, Sir Edward Birkbeck; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *June* 9, 1424

O'Brien, Mr. J. F. X., *Mayo, S.*
- Criminal Law Amendment (Ireland), Comm. *cl.* 2, 1003; *cl.* 4, 1526

O'Brien, Mr. P., *Monaghan, N.*
- Ireland—Questions
  - Asylums — Monaghan District Lunatic Asylum, 53
  - Evictions—Monaghan Union—Notice to Guardians, 54, 858
  - Labourers' Acts—Guardians of the Carrickmacross Union, 883, 884
  - National Education—Carrickawilkin (Co. Armagh) National School, 711
- Post Office (London)—Position of Porters, 1725

O'Connor, Mr. A., *Donegal, E.*
- Civil Service Writers—Sub-Commission of Inquiry, 1588
- Coal Mines—Udston Colliery Accident, 1077, 1078, 1439, 1440
- Criminal Law Amendment (Ireland), Comm. *cl.* 2, 548, 593, 929; Amendt. 953, 954; *cl.* 3, Amendt. 1240, 1242, 1269, 1272, 1273, 1387; *cl.* 4, 1521, 1527, 1528, 1529; *cl.* 5, 1779
- Employers' Liability Act (1880) Amendment, 2R. 1414, 1415
- Inland Revenue—Pensions in the Secretary's Department, 865
- Ireland—Questions
  - Departmental Committee on the Clerical Establishments, 900
  - Emigration from Ireland, 513
  - Eviction—Evictions at Bodyke, Co. Clare—Captain E. W. D. Croker, 1735
  - Executive—Parliamentary Under Secretary to the Lord Lieutenant, 721
  - High Court of Justice—Transfer of Clerks, 869, 870
  - Law and Justice—Imprisonment of Michael Spillane, 708
  - Post Office Contracts—Mail between Bundoran and Bundoran Junction, 864
  - Public Works—Government Subvention of £50,000—Drainage of the Barrow, &c. 1071, 1425
  - Sea and Coast Fisheries—Trawling in Donegal Bay, 887
- Jubilee Thanksgiving Service (Westminster Abbey) — Letting of Seats on Public Ground, 1586

O'Connor, Mr. A.—*cont.*
- Jubilee Year of Her Majesty's Reign, Celebration of, in London, 729
- Parliament—Business of the House (Procedure on the Criminal Law Amendment (Ireland) Bill), Res. 1619, 1615
- Public Offices—Lower Division Clerks in the Treasury Office, 1588
- Supply—Revenue Departments—Post Office Services, Post Office Savings Banks, &c. 1110, 1135, 1137

O'Connor, Mr. J., *Tipperary, S.*
- Admiralty—Dockyards—Gratuities to Discharged Workmen, 713
- Criminal Law Amendment (Ireland), Comm. *cl.* 1, 340; *cl.* 2, 928, 961; *cl.* 3, 1250; *cl.* 4, 1444; *cl.* 5, 1760, 1778
- Ireland — Poor Relief Inquiry Commission, 1887—Compound Rating of Occupiers, 1423
- Parliament—Business of the House (Procedure on the Criminal Law Amendment (Ireland) Bill), Res. 1666, 1670
- Supply—Revenue Departments—Post Office Services, Post Office Savings Banks, &c. 1122
- Vaccination Act—Action of the Compulsory Law of Vaccination, 1055

O'Connor, Mr. T. P., *Liverpool, Scotland*
- Criminal Law Amendment (Ireland), Comm. *cl.* 1, 310, 311, 313, 377, 378, 379; *cl.* 2, 433, 445, 458, 472, 488, 489, 981, 992, 993, 1008, 1015; *cl.* 3, 1363, 1389; *cl.* 5, 1773, 1774, 1775, 1779
- Ireland—Emigration—Refusal of the Authorities at New York to allow Emigrants to Land, 1030
  - Executive and Mr. Patrick Egan, 1030
- Municipal Corporations Acts (Ireland) Amendment (No. 2.), Consid. *add. cl.* 1556
- Parliament—Business of the House (Procedure on the Criminal Law Amendment (Ireland) Bill), Res. 1617, 1634
- Places of Worship (Sites), 2R. 1849
- Supply—Civil Services and Revenue Departments, 202, 204

O'Doherty, Mr. J. E., *Donegal, N.*
- Criminal Law Amendment (Ireland), Comm. *cl.* 1, 365, 390; Amendt. 400, 401; *cl.* 2, 431; Amendt. 443, 544, 575, 605, 735, 744, 745, 747, 785; *cl.* 3, Amendt. 1235, 1240, 1255, 1265, 1267, 1273, 1279, 1331, 1332, 1372, 1395, 1401, 1402, 1405, 1406; *cl.* 4, 1445, 1517; *cl.* 5, Amendt. 1749, 1768, 1777, 1781
- Great Eastern Railway, Consid. 699

O'Hanlon, Mr. T., *Cavan, E.*
- Ireland — Royal Irish Constabulary — Police Barracks at Meenacladdy, Co. Donegal—Magistracy—Shercock Petty Sessions, 1729, 1730, 1731
- Metropolitan Police—Duty at the House of Commons, 717, 880
- Supply—Report, 410

O'Hea, Mr. P., *Donegal, W.*
- Criminal Law Amendment (Ireland), Comm. *cl.* 1, 397; *cl.* 2, 422, 951

[*cont.*

O'Kelly, Mr. J., *Roscommon, N.*
Ireland — Law and Justice — Francis Cook, Drumsna, 860

Onslow, Earl of (Under Secretary of State for the Colonies)
Africa (South)—Affairs of Swaziland, 852

Open Spaces (Dublin) Bill
(*Mr. William Redmond, Mr. T. D. Sullivan, Mr. Murphy, Mr. Dwyer Gray, Mr. Timothy Harrington*)
c. Read 2° *May* 16, 232 [Bill 80]

Ordnance Department—see *Army*

Ordnance — Surveyor General (*see* Northcote, Hon. H. S.)

Over Darwen Corporation Bill (*by Order*)
c. Considered, after short debate *May* 19, 493

Oyster and Mussel Fisheries Provisional Order Bill (*Baron Henry De Worms, Mr. Jackson*)
c. Ordered; read 1° * *June* 7 [Bill 279]

Paris Exhibition, 1889
Question, Mr. Labouchere; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 16, 59; Question, Mr. E. Robertson; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 19, 519; Question, Mr. H. T. Davenport; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *May* 23, 884; Question, Mr. Labouchere; Answer, The Under Secretary of State for Foreign Affairs (Sir James Fergusson) *June* 9, 1428

Parish Allotments Committees Bill
(*Mr. Cobb, Mr. Channing, Mr. Fuller, Mr. James Ellis, Mr. Herbert Gardner, Mr. Thomas Ellis*)
c. Moved, "That the Bill be now read 2°" *May* 16, 227; Moved, "That the Debate be now adjourned" (*Mr. Radcliffe Cooke*); after short debate, Question put; A. 143, N. 85; M. 58 (D. L. 144) [Bill 170]

Parliament
LORDS—
Business of the House
Standing Order No. XXXV. to be considered To-morrow in order to its being dispensed with for the remainder of that day's Sitting *May* 20
Standing Order considered, and dispensed with *May* 21

Parliament—Lords—*cont.*
Private and Provisional Order Confirmation Bills
Ordered, That Standing Orders Nos. 92. and 93. be suspended; and that the time for depositing petitions praying to be heard against Private and Provisional Order Confirmation Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the recess *May* 23

Sittings and Adjournment of the House—The Whitsuntide Recess, Question, The Earl of Kimberley; Answer, The Prime Minister (The Marquess of Salisbury) *May* 20, 646

Jubilee Thanksgiving Service (*Westminster Abbey*)
Moved, "That a Select Committee be appointed for the purpose of arranging the distribution of tickets of admission to be given to Peers on the occasion of the Jubilee Thanksgiving Service to be held in Westminster Abbey on 21st June" (*The Lord Chamberlain*) *May* 16, 50; Motion agreed to
Select Committee nominated *May* 17; List of the Committee, 246
[See title *Queen, The*]

COMMONS—
Jubilee Service in St. Margaret's Church
Moved, "That, in Celebration of the Fiftieth Year of Her Majesty's Reign, this House will attend at the Church of St. Margaret, Westminster, on Sunday next, the 22nd of May" (*Mr. William Henry Smith*) *May* 17, 258; after short debate, Question put, and agreed to
This being the day on which the House had Resolved, in Celebration of the Fiftieth Year of Her Majesty's Reign, to attend Divine Service at the Church of St. Margaret, Westminster, Mr. Speaker and the Members assembled in the House, and proceeded thence to the Church, when a Sermon was preached before the House by the Lord Bishop of Ripon *May* 22
Moved, "That the Thanks of this House be given to the Right Reverend William Boyd Carpenter, D.D., Lord Bishop of Ripon, for the Sermon preached by him on Sunday before this House, at St. Margaret's, Westminster, and that he be desired to print the same; and that Mr. William Henry Smith and Mr. Secretary Matthews do acquaint him therewith" (*Mr. W. H. Smith*) *May* 23, 907; Motion agreed to

Jubilee Thanksgiving Service (*Westminster Abbey*)
Moved, "That a Select Committee be appointed to consider what means shall be adopted for the attendance of this House at the Jubilee Thanksgiving Service in Westminster Abbey on the 21st day of June; and that Mr. William Henry Smith, Mr. Childers, Mr. David Plunket, Mr. Shaw Lefevre, Viscount Lewisham, Mr. Mar-

PARLIAMENT — COMMONS — *Jubilee Thanksgiving Service* (*Westminster Abbey*)—cont.

joribanks, Mr. Cavendish Bentinck, Sir Frederick Mappin, and Mr. Craig Sellar be Members of the said Committee ; Five to be the quorum" (*Mr. W. H. Smith*) *May* 23, 906 ; after short debate, Motion agreed to [See title *Queen, The*]

Private Bills

Ordered, That Standing Orders 39 and 129 be suspended, and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, and for depositing duplicates of any Documents relating to any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Monday 6th June (*The Chairman of Ways and Means*) *May* 24

Public Petitions—Petition from Bradford—Alleged Fictitious Signatures, Question, Mr. Byron Reed ; Answer, The Chairman of the Committee on Public Petitions (Sir Charles Forster) *May* 20, 723

SITTINGS AND ADJOURNMENT OF THE HOUSE

The Whitsuntide Recess, Questions, Mr. Esslemont, Mr. John Morley ; Answers, The First Lord of the Treasury (Mr. W. H. Smith) *May* 16, 64 ; Questions, Mr. Labouchere, Mr. T. M. Healy ; Answers, The First Lord of the Treasury (Mr. W. H. Smith) *May* 23, 902

Committees (*Ascension Day*)

Ordered, That Committees shall not sit Tomorrow, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, nothwithstanding the sitting of the House (*Mr. William Henry Smith*) *May* 18

Adjournment of the House

Moved, "That this House do now adjourn" (*Mr Jackson*) *May* 17, 413 ; after short debate, Question put, and agreed to

Moved, "That this House do now adjourn" (*Mr. W. H. Smith*) *May* 23, 1027 ; Question put, and agreed to

Moved, "That this House do now adjourn" (*Mr. W. H. Smith*) *June* 10, 1677 ; Moved, "That the Question be now put" (*Mr. W. H. Smith*) ; Question put ; A. 203, N. 71 ; M. 132 (D. L. 223) [2.40 A.M.]

Question put, "That this House do now adjourn ;" A. 203, N. 71 ; M. 132 (D. L. 224) [2.55 A.M.]

The Whitsun Recess, Moved, "That this House, at its rising, do adjourn till Monday the 6th day of June next" (*Mr. W. H. Smith*) *May* 24, 1031 ; Question put, and agreed to

BUSINESS OF THE HOUSE AND PUBLIC BUSINESS

Question, Mr. John Morley ; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *May* 19, 522 ;—*The Oaths Bill*, Questions, Mr. Stanley Leighton, Mr. Brad-

[*cont.*

PARLIAMENT—COMMONS—*Business of the House and Public Business*—cont.

laugh ; Answers, The First Lord of the Treasury (Mr. W. H. Smith) *May* 16, 66 ;—*Legislation of the Session*, Questions, Mr. E. Robertson ; Answers, The First Lord of the Treasury (Mr. W. H. Smith) *May* 20, 726 ; Questions, Mr. E. Robertson, Sir George Campbell, Mr. Burt ; Answers, The First Lord of the Treasury (Mr. W. H. Smith) *June* 7, 1230 ;—*Unsatisfactory State of Public Business*, Observations, Mr. E. Robertson ; short debate thereon *May* 24, 1061 ; Notice of Motion, Mr. Stanley Leighton *June* 7, 1216 ;—*Coal Mines, &c. Regulation Bill*, Question, Mr. Mason ; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *June* 9, 1437 ; Questions, Mr. Mason, Mr. F. S. Powell, Mr. Burt ; Answers, The First Lord of the Treasury (Mr. W. H. Smith) *June* 10, 1593 ;—*Criminal Law Amendment* (*Ireland*) *Bill*, Notice of Instruction, Mr. W. H. Smith ; short debate thereon *June* 9, 1440

PALACE OF WESTMINSTER

The Central Hall—Position of the Statue of the late Earl of Iddesleigh, Question, Observations, Lord Mount-Temple ; Reply, Lord Henniker *June* 10, 1577

Remuneration of Witnesses attending Parliamentary Committees, Question, Mr. Lawson ; Answer, The Parliamentary Secretary to the Treasury (Mr. Akers-Douglas) *June* 7, 1224

The British Parliament and the Channel Islands and Isle of Man, Question, Sir George Campbell ; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *May* 23, 893

Parliament—Business of the House (*Procedure on the Criminal Law Amendment* (*Ireland*) *Bill*)

Moved, "That, at Ten o'clock p.m. on Friday the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the Whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair. He shall next proceed and successively put forthwith the Questions, That any Clause then under consideration, and each remaining Clause in the Bill, stand part of the Bill, unless Progress be moved as hereinafter provided. After the Clauses are disposed of he shall forthwith report the Bill, as amended, to the House

"From and after the passing of this Order, no Motion, That the Chairman do leave the Chair, or do report Progress, shall be allowed unless moved by one of the Members in charge of the Bill, and the Question on such Motion shall be put forthwith

"If Progress be reported on the 17th June, the Chairman shall put this Order in force in any subsequent sitting of the Committee" (*Mr. William Henry Smith*) *June* 10, 1594

Amendt. to leave out from first word "That," add "inasmuch as the Criminal Law Amend-

[*cont.*

Parliament—Business of the House (Procedure on the Criminal Law Amendment (Ireland) Bill)—cont.

ment (Ireland) Bill is designed to deprive the Irish people permanently of their Constitutional rights, this House declines to sanction the proposal of Her Majesty's Government, to deprive the Chair, during the discussions in Committee on the said Bill, of the power which, since the opening of these discussions, the Chair has felt called upon repeatedly to exercise, in opposition to Her Majesty's Government, for the protection of freedom of debate in this House, and the maintenance of the rights of minorities" (*Mr. Parnell*); after short debate, Question proposed, "That 'at Ten o'clock p.m.' &c.;" after further debate, Moved, "That the Question be now put" (*Mr. W. H. Smith*); Question put; A. 284, N. 167; M, 117 (D. L. 214)

Question put, "That 'at Ten o'clock p.m.' &c.;" A. 301, N. 181; M. 120 (D. L. 215)

Amendt. to leave out "17th," insert "24th" (*Mr. Chance*); Question proposed, "That '17th,' &c.;" after short debate, Question put; A. 268, N. 113; M. 155 (D. L. 216)

Amendt. in line 3, leave out "shall," insert "may, if he thinks fit, having regard to the Rule of Closure of the 18th March, 1887" (*Mr. William Redmond*); Question proposed, "That 'shall,' &c.;" after short debate, Moved, "That the Question be now put" (*Mr. W. H. Smith*); Question put; A. 258, N. 91; M. 167 (D. L. 217) [1.10 A.M.]

Question put, "That 'shall,' &c.;" A. 255, N. 94; M. 161 (D. L. 218) [1.25 A.M.]

Moved, "That the Main Question be now put" (*Mr. W. H. Smith*); Question put; A. 250, N. 91; M. 159 (D. L. 219) [1.40 A.M.]

Main Question put; A. 245, N. 93; M. 152 [1.55 A.M.]

Division List, Ayes and Noes, 1671

Ordered, That, at Ten o'clock p.m. on Friday the 17th day of June, if the Criminal Law Amendment (Ireland) Bill be not previously reported from the Committee of the Whole House, the Chairman shall put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair. He shall next proceed and successively put forthwith the Questions, That any Clause then under consideration, and each remaining Clause in the Bill, stand part of the Bill, unless Progress be moved as hereinafter provided. After the Clauses are disposed of he shall forthwith report the Bill, as amended, to the House

From and after the passing of this Order, no Motion That the Chairman do leave the Chair, or do report Progress, shall be allowed unless moved by one of the Members in charge of the Bill, and the Question on such Motion shall be put forthwith

If Progress be reported on the 17th June, the Chairman shall put this Order in force in any subsequent sitting of the Committee

Parliament—The New Rules of Procedure (1882)—Rule 2 (Adjournment of the House) — Matter, Annexations in Zululand

Moved, "That this House do now adjourn" (*Mr. Labouchere*) *May* 19, 525; after short debate, Moved, "That the Question be now put" (*Mr. W. H. Smith*); Question put; A. 278, N. 156; M. 122

Division List, Ayes and Noes, 536

Question put, "That this House do now adjourn;" A. 142, N. 280; M. 138 (D. L. 158)

Parliament—The New Rules of Procedure (1887)

Rule 1 (*Closure of Debate*), Questions, Mr. T. M. Healy; Answers, Mr. Speaker, The First Lord of the Treasury (Mr. W. H. Smith) *May* 23, 906

Rule 2 (*Sittings of the House*), Question, Mr. Provand; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *May* 23, 897

PARLIAMENT—HOUSE OF LORDS

Sat First

May 20—The Lord Meredyth, after the death of his father

May 23—The Lord Kinnaird, after the death of his father

June 10—The Lord Hindlip, after the death of his father

PARLIAMENT—HOUSE OF COMMONS

New Member Sworn

May 23 — William Alexander McArthur, esquire, *County of Cornwall, Mid or St. Austell Division*

PARNELL, Mr. C. S., *Cork*

Criminal Law Amendment (Ireland), Comm. *cl.* 3, 1239

Parliament—Business of the House (Procedure on the Criminal Law Amendment (Ireland) Bill), Res. 1598; Amendt. 1608, 1616, 1617, 1618

PAULTON, Mr. J. M., *Durham, Bishop Auckland*

United States—Emigrants to Tennessee, 502

PEASE, Sir J. W., *Durham, Barnard Castle*

Supply—Civil Services and Revenue Departments, 201

PEEL, Right Hon. A. W. (*see* SPEAKER, The)

PICKERSGILL, Mr. E. H., *Bethnal Green, S.W.*

Criminal Law Amendment (Ireland), Comm. *cl.* 3, 1368

Great Eastern Railway, Consid. 701

Metropolitan Police—Superintendents' Divisional Reports for 1886, 1589

[*cont.*

Pickersgill, Mr. E. H.—*cont.*
Royal Parks and Pleasure Gardens—Kew Gardens—Partial Closing on Whit Monday, 1229
Supply—Revenue Departments—Post Office Services, Post Office Savings Banks, &c. Amendt. 1155

Picton, Mr. J. A., *Leicester*
Criminal Law Amendment (Ireland), Comm. *cl.* 3, 1333; *cl.* 5, 1747
Vaccination Act—Action of the Compulsory Law of Vaccination, 1051, 1052
Convictions by the Leicester County Bench, 724;—Assault on the Police, 891

Pier and Harbour Provisional Orders Bill (*Baron Henry De Worms, Mr. Jackson*)
c. Read 3º * *May* 16 [Bill 222]
l. Read 1ª * (*L. Stanley of Preston*) *May* 17
Read 2ª * *June* 10 (No. 103)
Committee *; Report *June* 13

Pier and Harbour Provisional Orders (No. 2) Bill (*Baron Henry De Worms, Mr. Jackson*)
c. Ordered; read 1º * *June* 6 [Bill 276]

Places of Worship (Sites) Bill
(*Mr. John Ellis, Mr. Broadhurst, Mr. Borlase, Mr. Burt, Mr. M'Arthur, Mr. Henry Wilson*) [Bill 5]
c. Moved, "That the Bill be now read 2º" *June* 13, 1847; Moved, "That the Debate be now adjourned" (*Mr. J. G. Talbot*); after short debate, Question put; A. 160, N. 130; M. 30 [2.30 A.M.]
Division List, Ayes and Noes, 1851

Playfair, Right Hon. Sir Lyon, *Leeds, S.*
Parliament—Business of the House (Procedure on the Criminal Law Amendment (Ireland) Bill), Res. 1642

Plowden, Sir W. C., *Wolverhampton, W.*
Admiralty—Permanent Financial Control, 855
Army (India) — Indian Artillery — The 9-Pounder Muzzle-Loading Gun, 856

Plunket, Right Hon. D. R. (First Commissioner of Works), *Dublin University*
Disturnpiked Roads—Annual Receipts and Contributions, 507, 508
Greenwich Park, 1419, 1420
Jubilee Thanksgiving Service (Westminster Abbey)—Letting of Seats on Public Ground, 1585, 1586, 1593, 1744
Metropolis—Royal Parks—Constitution Hill, 855
Enclosures in Regent's Park, 1224
Public Parks and Works (Metropolis) 2R. 790, 793

[*cont.*

Plunket, Right Hon. D. R.—*cont.*
Royal Parks and Pleasure Gardens—Kew Gardens—Partial Closure on Whit Monday, 1229
Supply—Civil Services and Revenue Departments, 140, 143, 152

Pluralities Act Amendment Act (1885) Amendment Bill [H.L.]
(*The Lord Bishop of Bangor*)
l. Moved, "That the Bill be now read 2ª" *May* 20, 636 (No. 96)
Amendt. to leave out ("now,") add ("this day six months") (*The Earl of Powis*); after short debate, on Question, That ("now,") &c.; resolved in the negative; Bill read 2ª
Committee * *May* 23

Police Force Enfranchisement Bill
(*The Earl of Harrowby*)
l. Read 2ª, after short debate *May* 16, 3 (No. 77)
Committee *; Report *May* 17
Read 3ª * *May* 20
Royal Assent *May* 23 [50 *Vict.* c. 9]

Poor Law (England and Wales)
(*Questions*)
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Post Office—East India and China Mail Contract
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Moved, "That the Contract dated the 18th day of March 1887, for the conveyance of the East India and China Mails, be approved" (*Mr. Jackson*) *June* 7, 1334; Moved, "That the Debate be now adjourned" (*Dr. Clark*); Question put, and agreed to; Debate adjourned

POWELL, Mr. F. S., *Wigan*
Criminal Law Amendment (Ireland), Comm. *cl.* 4, 1521
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PRICE, Captain G. E., *Devonport*
Army and Navy Estimates Committee—The Composition, 1742
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c. Read 2°, and committed to a Select Committee of Seven Members, Four to be nominated by the House and Three by the Committee of Selection *May* 20, 790 [Bill 136]

Public Worship Regulation Act, 1874—The Rev. J. Bell Cox
Questions, Mr. Hoare, Mr. Channing; Answers, The First Lord of the Treasury (Mr. W. H. Smith) *May* 23, 892

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Quarries Bill (*The Lord Sudeley*)
l. Read 2ª, after short debate *May* 16, 1 (No. 83)

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Accommodation for Members of this House, Question, Mr. Gourley; Answer, The First Lord of the Treasury (Mr. W. H. Smith) *June* 9, 1436

The Seats on Public Ground, Questions, Sir George Campbell, Mr. Arthur O'Connor; Answers, The First Commissioner of Works (Mr. Plunket) *June* 10, 1585; Question, Mr. Puleston; Answer, The First Commissioner of Works (Mr. Plunket); Questions, Mr. W. Lowther, Mr. T. M. Healy [No reply] *June* 10, 1592

Tickets of Admission to the Platform outside Parliament Square, Questions, Mr. W. Lowther, Lord Randolph Churchill, Mr. Dillon; Answers, The First Commissioner of Works (Mr. Plunket), The First Lord of the Treasury (Mr. W. H. Smith) *June* 13, 1744

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  Fishermen's Cottages on the East Coast, Question, Mr. Esslemont; Answer, The Solicitor General for Scotland (Mr. J. P. B. Robertson) *May* 23, 880
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